FEDERAL REGISTER

VOLUME 11 NUMBER 30

Washington, Tuesday, February 12, 1946

The President

EXECUTIVE ORDER 9695

REVOCATION OF EXECUTIVE ORDER NO. 9243 OF SEPTEMBER 12, 1942, PROVIDING FOR THE TRANSFER AND RELEASE OF FEDERAL PERSONNEL

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), and by section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), it is ordered as follows:

1. Executive Order No. 9243 of September 12, 1942, providing for the transfer and release of Federal personnel, is hereby revoked: *Provided*, That such revocation shall not be construed to affect any reemployment rights which may have heretofore been acquired by any employee under Executive Orders Nos. 8973 and 9067, and Directives X and XVI issued by the Chairman of the War Manpower Commission.

2. The Civil Service Commission is authorized to adopt such recommendations and regulations and to establish such procedures as may be necessary to preserve any reemployment rights which may have been acquired by any employee under the said Executive Orders Nos. 8973 and 9067 and Directives X and XVI, and to carry out the provisions of Executive Order No. 9063.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 8, 1946.

[F. R. Doc. 46-2282; Filed, Feb. 8, 1946; 4:38 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 91—EXECUTIVE ORDERS AFFECTING THE CIVIL SERVICE NOT OTHERWISE COVERED IN THIS CHAPTER

TRANSFER AND RELEASE OF FEDERAL PERSONNEL

CROSS REFERENCE: For the revocation of Executive Order 9243, which appears in the tabulation in this part, see Executive Order 9695, *supra*.

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 75-3, Amdt. 26]

PART 1410—LIVESTOCK AND MEATS

PORK REQUIRED TO BE SET ASIDE

War Food Order No. 75-3, as amended (10 F.R. 6499, 7789, 8949, 9422, 9992, 10165, 11225, 13679, 14685), is further amended as follows:

1. By deleting the table at the end of paragraph (b) and substituting in lieu thereof the following:

PERCENTAGE OF LIVE WEIGHT OF HOGS PURCHASED FOR SLAUGHTER

Type of dressed pork or pork products:	
Dressed pork and pork products other than lard	7.5
Lard	5.0

2. By deleting Appendix A and substituting in lieu thereof the following:

APPENDIX A—SCHEDULE OF PORK SET ASIDE, PERCENTAGES UNDER WAR FOOD ORDER NO. 75-3

Set aside percentages. Every slaughterer subject to the provisions of this order shall set aside a quantity of pork and pork products, other than lard, the total weight of which shall be not less than 7.5 percent of the total live weight of each week's slaughter of hogs, and a quantity of lard, the total weight of which shall be not less than 5.0 percent of the total live weight of each week's slaughter of hogs: *Provided, however*, That until further order of the Assistant Administrator, this requirement shall not be applicable with respect to slaughtering operations conducted in the States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

This order shall become effective at 12:01 a. m., e. s. t., February 10, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 75.3, as amended, all provisions of said order shall be deemed to

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THE PRESIDENT

REGULATIONS AND NOTICES

FEDERAL REGISTER

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NOTICE

The 1944 Supplement to the Code of the Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3 per book.

Book 1: Titles 1–10, including Presidential documents in full text.

Book 2: Titles 11–32.

Book 3: Titles 33–50, including a general index and ancillary tables.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

[1] E.O. 9695.

remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; W.F.O. 75, 10 F.R. 4649)

Issued this 8th day of February 1946.

[SEAL] C. W. KITCHEN,
Assistant Administrator.

[F. R. Doc. 46-2277; Filed, Feb. 8, 1946; 3:01 p. m.]

[WFO 63-9]

PART 1596—FOOD IMPORTS

REVISION OF APPENDIX

Pursuant to the authority vested in me by the provisions of War Food Order 63, as amended (9 F.R. 13280, 14677, 10 F.R. 103, 8950, 10419) § 1596.1 (d), Appendix A to the order is hereby revised in the following manner:

1. The following item is deleted from said Appendix A:

Food	*Commerce import class No.*
Meat extracts, including fluid	0096.000

This revision shall be effective February 11, 1946.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8067; WFO 63, 8 F.R. 13280, 14877, 10 F.R. 103, 8980, 10419)

Issued this 8th day of February 1946.

[SEAL] C. W. KITCHEN,
Assistant Administrator.

[F. R. Doc. 46-2298; Filed, Feb. 11, 1946; 11:22 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 131]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

DESIGNATION OF AIRPORT APPROACH ZONES

JANUARY 23, 1946.

Acting pursuant to the authority vested in me by Section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By deleting from § 601.2000 the following:

Albuquerque, N. M.	Kirtland Field.
Amarillo, Tex.	English Field (Amarillo A. A. F.).
Big Spring, Tex.	Big Spring A. A. F.
El Paso, Tex.	Ed Anderson Field (El Paso Municipal Airport).
Houston, Tex.	Houston Airport.
Shreveport, La.	Shreveport Airport.
Tulsa, Okla.	Tulsa Airport.

2. By deleting § 601.200100 (*Lubbock, Texas, Airport Approach Zone*).

3. By deleting § 601.200104 (*Hobbs, New Mexico, Airport Approach Zone*).

4. By deleting § 601.200105 (*Liberal, Kansas, Airport Approach Zone*).

5. By deleting § 601.200301 (*Augusta, Georgia, Airport Approach Zone*).

6. By deleting § 601.200304 (*Columbia, South Carolina, Airport Approach Zone*).

7. By deleting § 601.200306 (*Crestview, Florida, Airport Approach Zone*).

8. By deleting § 601.200309 (*Galveston, Texas, Airport Approach Zone*).

9. By deleting § 601.200319 (*Orlando, Florida, Airport Approach Zone*).

10. By inserting in § 601.2002 the following:

Augusta, Ga	Daniel Field.
Battle Creek, Mich	Kellogg Field.
Columbia, S. C	Owens Field.
Crestview, Fla	C. A. A. Int. Field.
Galveston, Tex	Galveston A. A. F.
Orlando, Fla	Orlando Municipal Airport.

11. By adding a new § 601.200331 as follows:

§ 601.200331 (*Albuquerque, New Mexico, Airport Approach Zone*). Within a 10 mile radius of Kirtland Field, including that portion within the limits of Amber Civil Airway No. 3 extending southward to the Peralta Fan Marker, and excluding those portions of the zone lying outside of airway traffic control area.

12. By adding a new § 601.200332 as follows:

§ 601.200332 (*Amarillo, Texas, Airport Approach Zone*). Within a 10 mile radius of English Field (Amarillo A. A. F.) including that portion within the limits of Green Civil Airway No. 4 extending westward to the Soncy Fan Marker, and excluding those portions of the zone lying outside of airway traffic control area.

13. By adding a new § 601.200333 as follows:

§ 601.200333 (*Big Spring, Texas, Airport Approach Zone*). Within a 10 mile radius of Big Spring A. A. F. including that portion within the limits of Green Civil Airway No. 5 extending westward to the Stanton Fan Marker, and excluding those portions of the zone lying outside of airway traffic control area.

14. By adding a new § 601.200334 as follows:

§ 601.200334 (*El Paso, Texas, Airport Approach Zone*). Within a 10 mile radius of Ed Anderson Field (El Paso Municipal Airport) including that portion within the limits of Green Civil Airway No. 5 extending eastward to the Hueco Fan Marker, and excluding those portions of the zone lying outside airway traffic control area.

15. By adding a new § 601.200335 as follows:

§ 601.200335 (*Houston, Texas, Airport Approach Zone*). Within a 10 mile radius of Houston Airport including that portion within the limits of Blue Civil Airway No. 5 extending southeastward to the Webster Fan Marker, and excluding those portions of the zone lying outside of airway traffic control area.

16. By adding a new § 601.200336 as follows:

§ 601.200336 (*Shreveport, Louisiana, Airport Approach Zone*). Within a 10 mile radius of Shreveport Airport including that portion within the limits of Blue Civil Airway No. 13 extending northwestward to the Dixie Fan Marker, and excluding those portions of the zone lying outside of airway traffic control area.

17. By adding a new § 601.200337 as follows:

§ 601.200337 (*Tulsa, Oklahoma, Airport Approach Zone*). Within a 10 mile radius of Tulsa Airport including that portion within the limits of Red Civil Airway No. 11 extending northeastward to the Verdigris Fan Marker, and excluding those portions of the zone lying outside of airways traffic control area.

This amendment shall become effective 0001 e. s. t., February 15, 1946.

T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 46-2278; Filed, Feb. 8, 1946; 3:44 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Revision X, Dec. 20, 1945, Cum. Supp. 1, Feb. 7, 1946]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, and the Director, Office of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F. R. 3555),[1] Cumulative Supplement 1 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision X of December 20, 1945 (10 F. R. 15335), is hereby promulgated.[2]

By direction of the President.

JAMES F. BYRNES,
Secretary of State.
FRED M. VINSON,
Secretary of the Treasury.
TOM C. CLARK,
Attorney General.
H. A. WALLACE,
Secretary of Commerce.
HAROLD B. GOTAAS,
Acting Director, Office of Inter-American Affairs.

FEBRUARY 7, 1946.

[F. R. Doc. 46-2276; Filed, Feb. 8, 1946; 12:38 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

[1] This proclamation mentions the Administrator of Export Control. Under Executive Order 9630, of Sept. 27, 1945 (10 F. R. 12245), the Secretary of Commerce now has responsibility for the administration of export control, having assumed this responsibility on Oct. 20, 1945.

[2] Filed with the Division of the Federal Register. Requests for printed copies should be addressed to the Federal Reserve banks or the Department of State.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-317, Direction 22]

TOBACCO AND CHEESE CLOTH FOR TOBACCO GROWING AREAS

The following directive has been issued pursuant to Conservation Order M-317:

(a) *Purpose of this direction.* This direction is designed to furnish approximately 50 million yards of tobacco and cheese cloth to the areas where it is needed for the 1946 tobacco crop. Each producer is required to ship a proportion of his total production during the first four months of 1946.

(b) *How much cloth must be shipped.* Every producer of tobacco and cheese cloth of a construction suitable for tobacco growing must ship, or reserve for shipment in the first four months of 1946 to distributors serving tobacco growing areas, from his current inventory and production, at least 4½ percent of the yardage he produced in 1945. For this purpose, the total yardage reported on Form WPB-658-B under Items 91, 92 and 93 for the first three quarters of 1945, and on Form CPA-658-B under Items 75, 76 and 77 for the 4th quarter of 1945, shall be deemed the yardage produced in 1945. The CPA may issue individual directions to named producers specifying specific yardages instead of this percentage figure. Each producer must ship before April 1st, 1946 at least 75% of the amount he is directed to set aside to the extent that he receives orders for that quantity. The balance must be shipped in April, 1946 to the extent that he receives orders for that amount.

(c) *Deliveries may not be made for non-tobacco-growing uses.* No person may deliver any tobacco and cheese cloth covered by this direction which he knows or has reason to believe will be used for any purpose other than tobacco growing.

(d) *Effect on rated orders.* The shipments required by this direction must be made regardless of all preference ratings except AAA.

Issued this 8th day of February 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-2283; Filed, Feb. 8, 1946; 4:38 p. m.]

Chapter XXIII—War Assets Corporation[1]

[Rev. Special Order 25, Revocation]

USE OF FACILITIES BY STATE AND LOCAL GOVERNMENTS AND THEIR INSTRUMENTALITIES TO RELIEVE THE EMERGENCY HOUSING SHORTAGE

Public Law 292, 79th Congress, approved December 31, 1945, (the Mead Resolution) authorizes any Federal agency to transfer without reimbursement to the National Housing Administrator, upon his request, structures or facilities which he determines can be utilized to provide temporary housing for distressed families of servicemen, for veterans and their families, or for single veterans attending educational institutions, and authorizes the National Housing Administrator to transfer any temporary housing under his jurisdiction to any educational institution, State or political subdivision thereof, local public

[1] Successor to Surplus Property Administration.

agency, or nonprofit organization, for such use.

Since the purpose of Surplus Property Administration Revised Special Order 25, December 26, 1945 (11 F.R. 177), entitled "Use of Facilities by State and Local Governments and Their Instrumentalities to Relieve the Housing Shortage" will be accomplished under the provisions of Public Law 292 cited above, Revised Special Order 25 is hereby revoked and rescinded. Nothing herein shall be deemed to invalidate any permits or leases entered into prior to the effective date of this revocation nor any continued operations pursuant to any such permits or leases.

This revocation shall become effective February 18, 1946.

E. B. GREGORY,
Lieutenant General, A. U. S.,
Chairman, Board of Directors,
War Assets Corporation.

FEBRUARY 7, 1946.

[F. R. Doc. 46-2302; Filed, Feb. 11, 1946; 11:27 a. m.]

[SPA Reg. 9,[1] Amdt. 1 to Order 2]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

FORMS FOR REPORTING CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

Surplus Property Administration Regulation 9, Order 2, December 7, 1945, (10 F.R. 15007) entitled "Forms For Reporting Contractor Inventory And Disposals By Owning Agencies" is hereby amended by substituting for Form SPB–16, dated December 5, 1945, Form SPA–16, dated January 15, 1946, as attached hereto.[2]

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective February 13, 1946.

E. B. GREGORY,
Lieutenant General, A. U. S.,
Chairman, Board of Directors,
War Assets Corporation.

FEBRUARY 7, 1946.

[F. R. Doc. 46-2301; Filed, Feb. 11, 1946; 11:27 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 312]

OKLAHOMA

ESTABLISHING THE TISHOMINGO NATIONAL WILDLIFE REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described lands in Oklahoma, acquired or being acquired by the United States in connection with the Denison Dam and Reservoir on the Red River, which have been determined by the Secretary of the Interior to be suitable for refuge and breeding ground purposes for migratory birds and other wildlife, are hereby reserved and set apart for the use of the Department of the Interior as the Tishomingo National Wildlife Refuge, the reservation as to the lands now being acquired to become effective upon the acquisition of title thereto by the United States:

INDIAN MERIDIAN

T. 4 S., R. 6 E.,
Sec. 13, E½SW¼NE¼, W½SE¼NE¼, E½NE¼SW¼, S½SW¼, and SE¼;
Sec. 14, N½, NE¼SW¼, NE¼SE¼SW¼, S½SE¼SW¼, and SE¼;
Sec. 15, W½W½NW¼, W½NW¼SW¼, NW¼SW¼SW¼, S½SW¼SW¼, and W½SW¼SE¼SW¼;
Sec. 16, SE¼NE¼NE¼, those parts of the SE¼NE¼ and E½SE¼ lying east of the west right-of-way boundary of former State Highway Nos. 22 and 99 (abandoned);
Sec. 21, that part of E½E½ lying east of the west right-of-way boundary of former State Highway Nos. 22 and 99 (abandoned);
Sec. 22, NW¼NE¼SE¼NE¼, S½NE¼SE¼NE¼, NW¼SE¼NE¼, S½SE¼NE¼, W½W½NE¼NW¼, W½NW¼, W½W½SE¼NW¼, S½NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, S½NW¼NE¼SW¼, S½NE¼SW¼, that part of W½SW¼ lying east of the west right-of-way boundary of former State Highway Nos. 22 and 99 (abandoned), SE¼SW¼ and SE¼;
Secs. 23, 24, 25, and 26;
Sec. 27, that part lying east of the west right-of-way boundary of former State Highway No. 99 (abandoned);
Sec. 28, that part of E½SE¼ lying east of the west right-of-way boundary of former State Highway No. 99 (abandoned);
Sec. 33, those parts of NE¼ and SW¼ lying east of the west right-of-way boundary of former State Highway No. 99 (abandoned), N½NE¼SE¼, SW¼NE¼SE¼, and W½SE¼;
Sec. 34, N½, NE¼SW¼, N½NW¼SW¼, SE¼NW¼SW¼, NE¼SE¼SW¼, N½SE¼, and SE¼SE¼;
Secs. 35 and 36.

T. 5 S., R. 6 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, NE¼SW¼, N½NW¼SW¼, N½S½NW¼SW¼, E½SE¼SW¼, and SE¼;
Sec. 2, lots 1, 2, 3, and the N½ and SE¼ of lot 4, E½SW¼NE¼, SE¼NE¼, N½NE¼SE¼, N½S½NE¼SE¼, NE¼NW¼SE¼, and N½SE¼NW¼SE¼;
Sec. 3, lot 1, the SE¼ of lot 2, NE¼SW¼NE¼, S½SW¼NE¼, and SE¼NE¼;
Sec. 4, lot 3, and that part of lot 4 lying east of the west right-of-way boundary of former State Highway No. 99 (abandoned);
Sec. 12, N½NE¼, N½SW¼NE¼, E½SE¼SW¼NE¼, SE¼NE¼, NE¼NE¼NW¼, S½S½SE¼SW¼, NE¼SE¼, NE¼NE¼NW¼SE¼, SE¼SE¼NW¼SE¼, NE¼NE¼SW¼SE¼, S½NE¼SW¼SE¼, SE¼NW¼SW¼SE¼, NE¼SW¼SW¼SE¼, S½SW¼SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼;
Sec. 13, NW¼NE¼NE¼, N½SW¼NE¼NE¼, NW¼NE¼, NE¼NW¼, E½SE¼NW¼NW¼, E½NE¼SW¼NW¼, and N½SE¼SW¼NW¼.

T. 4 S., R. 7 E.,
Sec. 18, lot 4, SE¼SW¼, and S½SE¼;
Sec. 19, lots 1, 2, 3, and 4, NW¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 20, SW¼NW¼NE¼, SE¼NE¼NW¼, S½NW¼, and S½;
Sec. 29, NW¼NE¼NE¼, S½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and W½SE¼;
Secs. 30 and 31;
Sec. 32, W½W½NE¼, W½, and W½W½SE¼.

T. 5 S., R. 7 E.,
Sec. 5, lots 3 and 4, S½NW¼, and SW¼;
Sec. 6;
Sec. 7, lots 1, 2, 3, and 4, NE¼, E½NW¼, NE¼SW¼, N½NE¼SE¼, E½SE¼NE¼SE¼, N½NW¼SE¼;
Sec. 8, NW¼ and N½SW¼;
Sec. 18, lot 1.

The lands described aggregate approximately 13,450 acres of non-public lands.

The lands herein reserved have been acquired or are being acquired in connection with flood control and improvement of the Red River, and are under the primary jurisdiction of the War Department. Their reservation as a wildlife refuge and use by the Department of the Interior, and enforcement of laws and regulations thereon by said Department, shall not interfere with any existing or future uses or regulations of the War Department in the operation and maintenance of the Denison Dam and Reservoir Project for purposes of flood control, power development, navigation, or with any other uses by the War Department.

In the administration of these lands as a wildlife refuge, the Department of the Interior shall have the authority to utilize and dispose of the economic resources of the land in accordance with the laws and regulations governing national wildlife refuges, and to administer and develop the lands in a manner necessary for the proper management of wildlife, including the construction or use of administrative buildings, fences, trails, fire breaks, check dams, control structures, boat piers, landings, and other necessary structures, but none of these things shall be done prior to submission of plans to, and approval thereof by, the District Engineer, Engineer Department at Large, in charge of the locality.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 24, 1946.

[F. R. Doc. 46-2294; Filed, Feb. 11, 1946; 9:43 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 450]

PART 95—CAR SERVICE

BOX CARS TO BE USED FOR GRAIN IN PACIFIC NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of February, A. D. 1946.

It appearing, that the President of the United States has instructed various Government agencies to put into effect a number of emergency measures designed to help meet critically urgent needs for

[1] 10 F.R. 12961, 14966.
[2] Filed as part of the original document.

foodstuffs in various foreign countries, and that the President has directed that "specific preference will be given to the rail movement of wheat, * * *, and other essential foods in order promptly to export maximum quantities to the destinations where most needed"; that upon representations from the Office of Defense Transportation, and due to the fact that there exists a shortage of box cars for the movement of this traffic, the Commission is of opinion that an emergency exists in the States of Oregon, Washington, Idaho, and western Montana; it is ordered, that:

(a) *Box cars to be used for loading grain, etc.* No common carrier by railroad subject to the Interstate Commerce Act, at any point in the States of Oregon, Washington, or Idaho, or at Paradise or Troy, Montana, or west thereof, shall supply or place a box car:

(1) For loading grain, grain products or grain byproducts unless or until the shipper or consignor thereof certifies in writing to the carrier on the car order that such box car is to be shipped to a point within the switching districts of Astoria, Lacoda, Linnton, Portland, or Prescott, Oregon, or Aberdeen, Anacortes, Bellingham, Everett, Kalama, Longview, Mukilteo, Olympia, Seattle, Tacoma, Tulalip, or Vancouver, Washington.

(b) *Diversions or reconsignments prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall execute, or allow or permit to be executed, any order of reconsignment or diversion of grain, grain products or grain byproducts shipped pursuant to this order.

(c) *Application.* The provisions of this order shall apply to intrastate and foreign commerce as well as interstate commerce.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the permit agent named in paragraph (e) hereof.

(e) *Permit agent; appointment and duties*—(1) *Appointment.* F. H. Hocken, District Rail Director, Office of Defense Transportation, 1305 American Bank Building, Portland, Oregon, Phone: Broadway 8471 (461), is hereby designated and appointed as agent of the Interstate Commerce Commission to issue permits under this order.

(2) *Outline of duty.* As agent, he shall issue permits under the direction and supervision of the Director, Bureau of Service, in such a manner as may be necessary to provide box cars for loading with grain, grain products or grain byproducts, at points in the States of Oregon, Washington, Idaho, or Montana (west of Paradise or Troy) for shipment only to points in the States of Oregon, Washington, Idaho, or Montana (west of Paradise or Troy).

(f) *Effective date.* This order shall become effective at 12:01 a. m., February 11, 1946.

(g) *Expiration date.* This order shall expire at 11:59 p. m., March 10, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)–(17), 15 (4)).

It is further ordered, that a copy of this order and direction shall be served upon the State railroad regulatory bodies of the States of Oregon, Washington, Idaho, and Montana, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 46-2320; Filed, Feb. 11, 1946; 11:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

TISHOMINGO NATIONAL WILDLIFE REFUGE, OKLA.

CROSS REFERENCE: For an addition to the tabulation in § 11.1 see Public Land Order 312 appearing under Title 43, Chapter I, *supra.*

Notices

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

[Docket No. AO-172-A1]

SUBURBAN CHICAGO, ILL., MILK MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreement and order regulating the handling of milk in the suburban Chicago, Illinois, milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq., 10 F.R. 11791), notice is hereby given of a public hearing to be held at the Mirror Room, 10th Floor, Hamilton Hotel, Dearborn and Madison Streets, Chicago, Illinois, beginning at 10:00 a. m., c. s. t., February 21, 1946, with respect to proposed amendments to the tentatively approved marketing agreement and order regulating the handling of milk in the suburban Chicago, Illinois, milk marketing area (7 CFR, 1944 Supp., 969.1 et seq.). These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the proposed amendments which are hereinafter set forth and appropriate modifications thereof.

The following amendments have been proposed by the Pure Milk Association, Inc., Chicago, Illinois:

1. Amend § 969.1 by deleting paragraph (b) and substituting therefor the following:

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

2. Delete the words "War Food Administrator" wherever appearing throughout the order and substitute therefor the word "Secretary".

3. Amend § 969.1 by deleting paragraph (e) and substituting therefor the following:

(e) "Producer" means any dairy farmer, irrespective of whether such person is also a handler, whose milk is received directly by a handler. In the event that a handler receives milk from dairy farmers at more than one plant, only those dairy farmers shipping directly to the handler's pasteurizing and bottling plant which disposes of Class I milk in the marketing area or to a plant or plants from which milk, all or a portion of which is ultimately supplied to a pasteurizing and bottling plant which disposes of Class I milk in the marketing area shall be producers. This definition shall not be deemed to include any person as a producer with respect to such of his milk as (1) is received by a handler under any other milk marketing agreement or order issued under the act, and (2) comes within the definitions set forth in (n) and (o) of this section.

4. Amend § 969.1 by deleting paragraph (f) and substituting therefor the following:

(f) "Handler" means any person, who, on his own behalf or on behalf of others, (1) receives milk from one or more dairy farmers at a pasteurizing and bottling plant from which milk is disposed of as Class I milk in the marketing area, or (2) receives milk from sources other than a dairy farmer at a pasteurizing and bottling plant, all or a portion of which milk is disposed of as Class I milk in the marketing area, or (3) receives milk from one or more dairy farmers at a place other than a pasteurizing and bottling plant, all or a portion of which milk is ultimately received by a person described in (2) of this paragraph, and who engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk or its products. This definition shall not be deemed to include any person who is a handler under any other milk marketing agreement or order issued under the act, with respect to such of his milk as is subject thereto, or with respect to such of his milk as comes within the definitions set forth in (n) and (o) of this section.

5. Amend § 969.1 by deleting paragraph (1) and substituting therefor the following:

(1) "Nonhandler" means any person who is not a handler but who distributes milk, skim milk, and cream on retail or wholesale routes or engages in the manufacture of milk products.

6. Amend § 969.1 by adding thereto the following paragraphs:

(m) "Dairy farmer" means any person who produces milk.

(n) "Emergency milk and cream" means any milk and cream, received by a handler, as defined in (f) (1) and (f) (3) of this section, from sources other than producers, other handlers, and handlers under any other milk marketing agreement or order issued under the act, during the delivery periods of August through November, inclusive.

(o) "Milk and cream from other sources" means milk and cream received by a handler, as defined in (f) (1) and (f) (3) of this section, from sources other than producers, other handlers, and handlers under any other mil marketing agreement or order issued under the act, during the delivery periods of December through July, inclusive.

(p) "Milk" means cow's milk containing not less than 1 percent and not more than 6 percent butterfat.

(q) "Skim milk" means cow's milk containing less than 1 percent butterfat.

(r) "Cream" means a liquid or semiliquid product containing more than 6 percent butterfat, except ice cream, ice cream mix, butter, evaporated milk, plain or sweetened condensed milk, and frozen cream.

(s) "Unaccounted for milk" means milk, skim milk, and cream, the utilization of which cannot be determined because adequate records of the disposition of such milk, skim milk, and cream into products are not made available to the market administrator.

(t) "Shrinkage" means all butterfat which cannot be accounted for in a product and inventories, and which is not contained in "unaccounted for milk".

7. Delete § 969.3 and substitute therefor the following:

(a) *Submission of reports.* Each handler shall report to the market administrator for each delivery period, in the detail and on forms prescribed by the market administrator, the following:

(1) On or before the 7th day after the end of each delivery period, all milk, skim milk, and cream purchased or received from associations of producers and other handlers; and such handler shall submit to the market administrator and to the association of producers, or handlers, from whom the milk, skim milk, and cream was purchased or received, a record of the utilization of such milk, skim milk, and cream classified pursuant to § 969.4.

(2) On or before the 9th day after the end of each delivery period, the quantity, the butterfat test, and butterfat pounds of the receipts at each plant of (i) milk from producers, (ii) milk, skim milk, and cream from other handlers, (iii) milk, skim milk, and cream from sources other than producers and handlers, and (iv) milk produced by him; and shall report the utilization of all receipts of milk, skim milk, and cream.

(3) On or before the 9th day after the end of each delivery period, the information requested with respect to producer additions, producer withdrawals, and changes in the names of farm operators.

(4) On or before the 25th day after the end of each delivery period, his producer pay roll, which shall show for each producer (i) the total delivery of milk with the average butterfat test thereof, (ii) the net amount of payment to such producer made pursuant to § 969.8, and (iii) any deductions and charges made by the handler; and such other information with respect to producer payments as the market administrator may request.

(b) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit. Each handler shall keep adequate records of the receipts and utilization of milk, skim milk, and cream and shall make available to the market administrator or his representative, during the usual hours of business, all records and facilities as are necessary to enable the market administrator to:

(1) Verify the receipts and dispostion of all milk, skim milk and cream required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures.

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments of producers prescribed in § 969.8.

8. Delete § 969.4 and substitute therefor the following:

§ 969.4 *Classification of milk*—(a) *Basis of classification.* All milk received by a handler from producers, and all milk, skim milk and cream received by a handler from other handlers and from all other sources shall be reported by the handler in the classes set forth in (b) of this section, subject to the following conditions:

(1) Milk and cream received by a handler from a person who is a handler under any other milk marketing agreement or order issued under the act shall be subtracted from the receiving handler's amount of milk in Class I and Class II, respectively, except for milk or cream in excess of the amount of milk in Class I and Class II disposed of by the handler, and such excess of milk shall thereafter be subtracted from his Class II, Class III and Class IV milk, respectively, and such excess of cream shall thereafter be subtracted from his Class III and Class IV milk, respectively.

(2) "Milk and cream from other sources" shall be subtracted from the amounts of milk classified in Class IV, Class III and Class II, respectively. In the event that the 3.5 percent milk equivalent of the butterfat contained in "milk and cream from other sources" exceeds the amount of milk in Class IV, Class III and Class II, credit at the Class IV price shall be given for such excess to the handler.

(3) Emergency milk shall be subtracted prorata from the amounts of milk classified in Classes I, II, III and IV; pounds of milk to be determined by dividing the butterfat applicable to such class by 3.5 percent. Butterfat in emergency cream shall be deducted prorata from Classes II, III, and IV pursuant to subparagraph (6) of this section.

(4) Any milk and cream moving from any handler's plant to a plant of a nonhandler which has manufacturing facilities, shall be classified according to its use by such non-handler subject to verification by the market administrator. Any milk moving from any handler's plant to the plant of a non-handler which does not have manufacturing facilities shall be classified as Class I milk and any cream so moved shall be classified as Class II milk.

(5) Milk or skim milk received by a handler from another handler shall be classified as Class I milk, and cream so received shall be classified as Class II milk; *Provided,* That if a different classification is agreed upon in written reports to the market administrator, then the milk, skim milk, and cream shall be classified according to such agreement subject to verification by the market administrator: *Provided further,* That in no event shall the amount so reported in any class be greater than the amount remaining in any class after application of (d) (7) of this section.

(6) The amount of milk subtracted from a handler's various classes of milk, pursuant to (a) (1), (a) (2), (a) (3) and (a) (4) of this section, shall not, in any event, exceed the amount of milk in such classes, and in the event that receipts by a handler of milk and cream are to be subtracted from Classes II, III, or IV, the butterfat contained in such receipts shall be converted to 3.5 percent milk equivalent before subtraction is made.

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section, the classes of utilization of milk, skim milk and cream shall be as follows:

(1) Class I milk shall be all milk and all skim milk disposed of in fluid form, in flavored milk or flavored milk drinks, buttermilk, (excluding bulk milk and bulk skim milk disposed of to bakeries, soup companies and candy manufacturing establishments, which do not distribute milk or skim milk in fluid form) including milk and skim milk disposed of to hotels, restaurants and other retail food establishments, "unaccounted for milk" and all "shrinkage" in excess of that amount allowed in Class IV.

(2) Class II milk shall be 3.5 percent milk equivalent of all butterfat which is disposed of as cream, cottage cheese, eggnog, yogurt, or any other milk product of similar composition and texture.

(3) Class III milk shall be 3:5 percent milk equivalent of all butterfat which is used in producing evaporated or condensed milk, ice-cream, ice-cream mix or any product other than one of those specified in Classes I, II and IV, and all butterfat excepting that used in Class IV products which is disposed of to bakeries, soup companies and candy manufacturing establishments which do not distribute milk or Class I or Class II products for consumption as such.

(4) Class IV milk shall be 3.5 percent milk equivalent of all butterfat used to produce butter and cheese (except cottage cheese), inventory variations in pounds of butterfat between the beginning and end of each delivery period and butterfat accounted for as shrinkage up to an amount not greater than ½ percent of the pounds of butterfat received by handlers directly from producers, plus 1½ percent of an amount determined by subtracting the pounds of butterfat disposed of to other handlers and non-handlers from the handlers' total receipts of butterfat. Any handler whose report claims the original classification of butterfat in this class shall pay the difference between the Class IV and Class III prices for the delivery period in which the Class IV classification was claimed if the butterfat used in the production of butter is subsequently used in the production of ice-cream or ice-cream mix.

(c) *Responsibility of handlers in establishing the classification of milk, skim milk and cream.* In establishing the classification of any milk, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk, including milk, skim milk or cream, disposed of to other handlers or non-handlers.

(d) *Computation of milk in each class.* For each delivery period, each handler shall compute, on forms prescribed by the market administrator, the amount of milk in each class, as defined in (b) of this section, as follows:

(1) Determine the total of the pounds of milk received from (i) producers (including the handler's own production), (ii) other handlers, and (iii) all other sources;

(2) Determine the total pounds of butterfat received by (i) multiplying the weight of the milk, skim milk and cream received from each source by its respective average butterfat test, and (ii) adding together the resulting amounts.

(3) Determine the total pounds of milk in Class I by (i) converting to quarts the quantity of milk, flavored milk, flavored milk drinks, buttermilk and skim milk disposed of in fluid form and multiplying each result by 2.15, (ii) multiplying the pounds of such products by the respective average butterfat tests and adding the results obtained, (iii) determining the pounds of butterfat contained in "unaccounted for milk", (iv) if the total pounds of butterfat obtained in (ii) and (iii) of this paragraph when added to the pounds of butterfat in Class II, Class III and Class IV milk computed pursuant to (d) (4) (ii), (d) (5) (ii) and (d) (6) (iii) of this section is less than the total pounds of butterfat received determined in accordance with (d) (2) of this section, an amount equal to the difference shall be divided by 3.5 percent, to obtain the milk equivalent, (v) dividing the pounds of butterfat contained in "unaccounted for milk" as shown in (iii) of this paragraph by 3.5 percent, and (vi) adding pounds of milk and milk equivalent determined pursuant to (i), (iv) and (v) of this subparagraph.

(4) Determine the total pounds of milk in Class II by (i) multiplying the actual weight of each of the several products of Class II milk by its average butterfat test, (ii) adding together the resulting amounts, and (iii) dividing the result obtained in (ii) in this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III by (i) multiplying the actual weight of each of the several products in Class III milk by its average butterfat test, (ii) adding together the resulting amounts, and (iii) dividing the result obtained in (ii) of this subparagraph by 3.5 percent.

(6) Determine the total pounds of milk in Class IV by (i) multiplying the weight of each of the several products in Class IV by its average butterfat test, (ii) determining the difference in the pounds of butterfat contained in inventories at the beginning and end of the delivery period, (iii) adding or subtracting the pounds of butterfat obtained in (i) and (ii) of this subparagraph, (iv) adding the total pounds of butterfat in Class I milk, Class II milk and Class III milk computed pursuant to (d) (3) (ii) and (iii), (d) (4) (ii) and (d) (5) (ii) of this section to the total pounds of butterfat computed pursuant to (iii) of this subparagraph; (v) if the total pounds of butterfat computed pursuant to (iv) of this subparagraph is less than the total pounds of butterfat computed pursuant to (d) (2) of this section, the difference is the quantity of butterfat shrinkage, (vi) determine the maximum Class IV shrinkage allowance by multiplying by .5 percent the pounds of butterfat received from producers by the handler and adding this amount to the result obtained by multiplying the total pounds of butterfat received from all sources by the handler less the pounds of butterfat disposed of by him to other handlers and non-handlers, by 1.5 percent, (vii) add the total pounds of butterfat in shrinkage computed pursuant to (v) of this subparagraph or the maximum Class IV shrinkage allowance computed pursuant to (vi) of this subparagraph whichever is the smaller to the pounds of butterfat obtained in (iii) of this subparagraph, (viii) divide the pounds of butterfat obtained in (vii) of this subparagraph by 3.5 percent to determine the pounds of milk equivalent, which resulting amount is total Class IV milk, (ix) if the total pounds of butterfat computed pursuant to (iv) of this subparagraph is greater than the total pounds of butterfat computed pursuant to (d) (2) of this section, the difference is the quantity of butterfat overrun.

(7) Determine the amount of milk received from producers by subtracting, subject to the provisions of (a) of this section, from the total pounds of milk in each class, the total pounds of milk, skim milk and cream which were received by the handler, first, from a person who is a handler under another marketing agreement or order under the act, next, as "milk and cream from other sources", next, as "emergency milk and cream", and finally, the total pounds of milk, skim milk and cream which were received by the handler from other handlers.

(e) *Reconciliation of classification of milk with receipts of milk from producers.* In the event of a difference between the total quantity of milk in several classes as computed pursuant to (d) of this section and the quantity of milk received from producers plus the pounds of 3.5 percent milk equivalent overrun determined pursuant to (d) (6) (ix) of this section, such difference should be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the receipts of milk from producers, plus milk equivalent of butterfat overrun, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the receipts of milk from producers, plus milk equivalent of butterfat overrun, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

9. Delete § 969.5 and substitute therefor the following:

§ 969.5 *Minimum prices*—(a) *Class prices.* Except as otherwise provided in this section, each handler shall pay to producers and to associations of producers not less than the following prices per hundredweight, at the time and in the manner set forth in § 969.8, at the plant, platform or loading station where milk is received from producers.

SCHEDULE OF CLASS PRICE PREMIUMS TO BE ADDED TO THE PRICE DETERMINED FOR CLASS III MILK

	Grade A	Grade B
(1) *Class I Milk*		
January-April	$0.70	$0.60
May-June	.50	.40
July-December	1.00	.90
(2) *Class II Milk*		
January-June	.32	.22
July-December	.60	.50

(3) *Class III milk.* The price for Class III milk shall be the average, computed by the market administrator, of prices reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price-reporting function) paid for milk containing 3.5 percent butterfat delivered during the delivery period by farmers to each of the places or evaporated milk plants, as hereinafter listed and for which prices are reported, but in no event shall such price be less than the price computed for Class IV milk during the same delivery period.

Concern and Location

Borden Company, Black Creek, Wis.
Borden Company, Greenville, Wis.
Borden Company, Mount Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Berlin, Wis.
Carnation Company, Jefferson, Wis.

Carnation Company, Chilton, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

Provided, however, In event the method of announcing prices for milk is changed, by any of the above designated plants; the average of the lowest and highest prices paid at any such plant shall be used for purposes of determining prices hereunder.

(4) *Class IV Milk.* The price for Class IV milk shall be the price resulting from the following computation by the market administrator; multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price-reporting function) for the delivery period during which such milk was received, and add 20 percent; *Provided,* That such price shall be subject to the following adjustments: (i) add 3¾ cents per hundredweight for each full ½ cent that the price of nonfat dry milk solids for human consumption is above 5 cents per pound, or (ii) subtract 3¾ cents per hundredweight for each full ½ cent that the price of such nonfat dry milk solids is below 5 cents per pound. For purposes of determining this adjustment the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plant as published by the United States Department of Agriculture (or by such other Federal agency as may hereafter be authorized to perform this price-reporting function) for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period. In the event prices for nonfat dry milk solids for human consumption f. o. b. manufacturing plant, are not so published, the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago, shall be used. In the latter event, the Class IV price shall be subject to the following adjustments: (*a*) add 3¾ cents per hundredweight for each full ½ cent that the price of nonfat dry milk solids for human consumption, delivered at Chicago, is above 6 cents per pound, or (*b*) substract 3¾ cents per hundredweight for each full ½ cent that such price of nonfat dry milk solids is below 6 cents per pound.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the price per hundredweight of Class I and Class II milk, set forth in this section, shall be the price for Class III milk determined pursuant to (a) (3) of this section, the price for Class IV milk determined pursuant to (a) (4) of this section, or that derived from the following formula, whichever is the highest:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price-reporting function) by six (6);

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin;

Provided, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be used in determining the price pursuant to this formula;

(3) Divide by seven (7); add 30 percent to the resulting amount; and

(4) Multiply the sum computed in (3) of this paragraph by 3.5.

(c) *Butterfat differential to handlers.* If any handler has purchased or received milk from producers containing more or less than 3.5 percent butterfat, such handler shall add or deduct, per hundredweight of milk, for each 1/10th of 1 percent of butterfat above or below 3.5 percent, an amount computed as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or by such other agency as may be authorized to perform this price-reporting function), add 20 percent and divide the result by 10.

(d) *Adjustment of class prices by War Food Administrator.* Whenever the War Food Administrator finds and announces that the Class I or Class II price determined pursuant to this section is not in accord with the public interest, the applicable price for the delivery period shall be the same as the price for the same class for the delivery period immediately preceding.

(e) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specified price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

10. Amend § 969.7 by deleting therefrom subparagraphs (3) and (4) of paragraph (a) and deleting subdivision (ii) of subparagraph (1) of paragraph (b) and renumbering subdivisions (iii), (iv), and (v) thereof as subdivisions (ii), (iii), and (iv), respectively.

11. Amend § 969.8 by deleting therefrom paragraph (c) and relettering paragraph (d) as (c).

12. Delete § 969.9 and substitute therefor the following:

§ 969.9 *Expense of administration.* As his prorata share of the expense of administration hereof each handler, except handlers described under § 969.6 (a) (1), shall pay to the market administrator, on or before the 18th day after the end of each delivery period, an amount not exceeding 4 cents per hundredweight with respect to all milk and the 3.5 percent milk equivalent of all cream (including the handler's own production) purchased or received by him during such delivery period, less receipts from other handlers, the exact sum to be determined by the market administrator, subject to review by the Secretary. This shall not incide milk or products thereof which are handled subject to another marketing agreement or order under the act.

The following amendments have been proposed by The Committee for Order 69 Handlers, 309 W. Jackson Blvd., Chicago 6, Illinois:

1. Amend § 969.5 by adding the following paragraph:

(g) *Out of area milk.* The price to be paid by a handler for Class I milk disposed of outside of Marketing Area 69, shall be the price, as ascertained by the market administrator which is being paid for milk of equal grade and of equivalent use in the market where such milk is disposed of.

For the purpose of this section, milk produced and sold in cities operating under ordinances complying with regulations of the United States Public Health Service, or under regulations of equal requirements, shall be classed as Grade A milk.

2. Delete (3) of paragraph (a) of § 969.4 and substitute therefor the following:

(3) Milk and cream, except emergency milk if any, moved from a plant which has been determined by the market administrator as not receiving milk from producers, to a handler's plant at which milk is received from producers, shall be classified in the lowest class for which such handler has milk.

3. Delete (7) of paragraph (d) of § 969.4 and substitute therefor the following:

(7) Determine the classification of milk received from producers by (i) subtracting, subject to the provisions of (a) of this section, from the total pounds of milk in each class the total pounds of milk so used which were received from other milk handlers who receive milk from producers; (ii) subtracting, subject to the provisions of (a) of this section, pro rata from the remaining pounds of milk in each class the pounds of emer-

gency milk received, if any; and (iii) subtracting, subject to the provisions of (a) of this section, from the remaining pounds of milk in each class the total pounds of milk and milk equivalent of cream so used, except emergency milk, which were received from sources other than producers or handlers who receive milk from producers.

4. Delete (4) of paragraph (b) of § 969.4 and substitute therefor the following:

(4) Class IV milk shall be all milk the butterfat from which is used to produce butter and cheese, except cottage cheese, and all milk accounted for as actual plant shrinkage not in excess of 2 percent of the total receipts of milk (including emergency milk) after subtracting the receipts of milk of producers received from other handlers. Any handler whose report claimed the original classification of milk in this class shall pay the difference between the Class IV and Class III prices for the delivery period in which the Class IV classification was claimed on any such milk. if the butterfat used in the production of butter is subsequently used in the production of ice cream or ice cream mix.

5. Delete (6) of paragraph (d) of § 969.4 and substitute therefor the following:

(6) Determine the total pounds of milk in Class IV by (i) multiplying the actual weight of each of the several products of Class IV milk by its average butterfat test; (ii) adding together the resulting amounts; (iii) subtracting the total pounds of butterfat in Class I milk, Class II milk, and Class III milk, computed pursuant to (3) (ii), (4) (ii), (5) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of butterfat after subtracting the total receipts of producers received from other handlers), and adding to the result obtained in (ii) of this subparagraph; and (iv) dividing the result obtained in (ii) of this subparagraph by 3.5 percent.

6. Delete (2) of paragraph (a) of § 969.5 and substitute therefor the following:

(2) The price per hundredweight for Grade A Class II milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 32¢; and during the delivery periods of May and June the price per hundredweight for Grade A Class II milk shall be the price determined pursuant to paragraph (b) of this section, plus 20¢. The price per hundredweight for Grade B Class II milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 22¢, and during the delivery periods of May and June the price per hundredweight for Grade B Class II milk shall be the price determined pursuant to paragraph (b) of this section plus 10¢ but in no case shall the price be less than the Class III price for any month.

7. Delete § 969.9 and substitute therefor the following:

§ 969.9 *Expense of administration.* All milk received from producers by handlers in Order 69 area added to all Class I, II and III sales in Order 69 area by out of area handlers shall be used as the basic quantity over which the expense of administration shall be distributed in determining the pro rata share of each handler. All handlers, including out of area handlers, selling milk within Order 69 area, except handlers described under § 969.6 (a) (1), shall pay the market administrator, on or before the 18th day after the end of each delivery period, an amount not exceeding 4¢ per hundredweight on all milk described above, the exact sum to be determined by the market administrator, subject to review by the Secretary.

8. Amend paragraph (f) of § 969.1 by adding to the end of the last sentence the following words: "except as otherwise provided in § 969.9 hereof."

The following amendment has been proposed by the Oberweis Dairy, Aurora, Illinois:

1. Delete paragraph (a) of § 969.6 and substitute therefore the following:

(a) Handlers who are also producers.

(1) Sections 969.4, 969.5, 969.7, 969.8, 969.9 and 969.10 hereof shall not apply to a handler whose sole sources of supply of milk are receipts from his own production and from other handlers.

(2) Sections 969.9 and 969.10 hereof shall not apply to that portion of any handlers' supply of milk which he received from his own production and from other handlers.

The following amendment has been proposed by Our Own Dairy Company, Poplar Grove, Illinois:

That Order Number 69 be amended or modified to provide for computation of price and mode of payment to producers upon a so-called market-wide pool basis instead of upon the so-called individual handler pool basis as presently embodied in said order, making, in the said amendment, the necessary distinction between Grade A milk and Grade B milk.

The following amendment has been proposed by 18 dairies in the so-called Calumet marketing area of Indiana:

1. Delete paragraph (c) of § 969.6 and substitute therefor the following:

(c) *Emergency milk.* Any handler may notify the market administrator that the supply of milk or cream available to such handler from sources usual to the marketing area is not sufficient to fulfill such handler's Class I and Class II milk requirements. The handler, after having given notice to the market administrator, as aforesaid, may obtain such milk or cream from other plants on terms and conditions other than those provided for in §§ 969.5, 969.7 and 969.8 hereof; and such milk and cream shall be designated as "emergency milk."

The following amendments have been proposed by the Dairy Branch, Production and Marketing Administration:

1. Amend § 969.2 (e) (1) to read as follows:

(1) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to § 969.5 (a) and the differential pursuant to § 969.8 (b).

2. Amend the first sentence of § 969.3 (b) to read as follows:

The market administrator shall verify all reports of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk such handler claims classification.

3. Amend § 969.4 (c) to read as follows:

(c) *Responsibility of handlers in establishing the classification of milk.* (1) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, including skim milk and cream derived therefrom, disposed of to other handlers successively the burden rests upon the handler who purchased the milk from producers to account for the milk, skim milk, and cream and to prove to the market administrator that such milk, skim milk, and cream should not be classified as Class I milk.

(3) Any milk (including skim milk and cream derived therefrom) reported by a handler to have been used in any class, if found by the market administrator to have been used (whether in original or other form) by such handler or by any other person in a different class, shall be classified in accordance with such latter use, and the handler who received the milk from producers shall be liable pursuant to § 969.8 (d) for any charges resulting therefrom.

4. Delete § 969.5 (c).

5. Amend § 969.7 (a) to read as follows:

(a) *Computation of value of milk for each handler.* The market administrator shall on or before the 14th day of each delivery period, examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period, and shall make such corrections as such examination shall indicate to be necessary, and from such corrected reports he shall compute the value of all milk received by each handler from producers (including such handler's own production) in the following manner:

(1) Multiply the total quantity of such milk in each class as determined pursuant to § 969.4 by the respective class prices;

(2) Add together the resulting values of each class; and

(3) Subtract the amount of the adjustment pursuant to § 969.5 (d).

6. Amend § 969.7 (b) to read as follows:

(b) *Computation of uniform prices for each handler.* The market administrator shall compute for each handler the uniform prices per hundredweight of milk received from producers during the delivery period, as follows: To the value computed pursuant to (a) of this section:

(1) Add the total amount of the location adjustments applicable pursuant to § 969.8 (c);

(2) Add or deduct, as the case may be, the amount of moneys involved in adjustments resulting from verification by the market administrator of handlers' reports of previous delivery periods;

(3) Add an amount representing the fraction used in adjusting the previous month's uniform price to the nearest cent;

(4) Divide by the hundredweight of milk received from producers; and

(5) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price of the handler for milk of 3.5 percent butterfat content, f. o. b. 70 miles.

7. Amend § 969.8 (b) by striking the word "and" in the next to the last line, and inserting after the figure "10" in the last line, the words "and adjust to the nearest 1/10 of a cent."

8. Amend § 969.8 (c) by deleting the figure "71" appearing in the table and substituting therefor the figure "70.1".

9. Amend § 969.8 (d) by inserting the figure "(1)" prior to the words "Errors in connection", and adding (2) as follows:

(2) Whenever verification of reports required pursuant to § 969.3 (a) (2) discloses errors, the market administrator shall notify the handler and an adjustment shall be made in the computation of the uniform price for the delivery period following such notification: *Provided*, That in the event errors are disclosed after a handler has discontinued receiving milk from producers, such adjustments shall be made by the handler directly with his producers who delivered milk during the delivery period for which the error was disclosed.

10. Amend § 969.9 by inserting the letter "(a)" prior to the words "As his prorata share" and adding paragraph (b) as follows:

(b) Whenever verification of reports required pursuant to § 969.3 (a) (2) discloses errors, the market administrator shall notify the handler and an adjustment shall be made in the computation of the expense of administration for the delivery period following such notification.

11. Amend § 969.10 (a) by inserting the figure "(1)" prior to the words "In making payments to producers" and adding (2) as follows:

(2) Whenever verification of reports required pursuant to §969.3 (a) (2) discloses errors, the market administrator shall notify the handler and an adjustment shall be made in the computation of the marketing service deductions for the delivery period following such notification.

12. Make such other changes as may be required to make the entire order conform with proposals herewith submitted.

NOTE: Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated: February 8, 1946.

[SEAL] C. W. KITCHEN,
Assistant Administrator.

[F. R. Doc. 46-2299; Filed, Feb. 11, 1946; 11:22 a. m.]

[Docket No. AO-101-A5]

CHICAGO, ILL., MILK MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Chicago, Illinois, Milk Marketing Area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp. 900.1 et seq., 10 F.R. 11791), notice is hereby given of a public hearing to be held at the Mirror Room, 10th floor, Hamilton Hotel, Dearborn and Madison Streets, Chicago, Illinois, beginning at 10:00 a. m., c. s. t., February 19, 1946, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area (7 CFR, Cum. Supp. 941.0 et seq., 7 CFR, 1943 Supp. 941.14). These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the proposed amendments which are hereinafter set forth and appropriate modifications thereof.

The following amendments have been proposed by the Pure Milk Association, Inc., Chicago, Illinois:

1. Delete subparagraph (4) of § 941.1 (a) and substitute therefor the following:

(4) The term "Producer" means any person who produces milk which is received directly by a handler at an approved plant, or who produces milk which, upon proof furnished satisfactory to the market administrator, is qualified to be received at such approved plant.

2. Amend § 941.1 (a) by adding thereto as subparagraph (12) the following:

(12) The term "Milk" means cows' milk containing not less than 1 percent and not more than 6 percent butterfat.

3. Amend § 941.1 (a) by adding thereto as subparagraph (13) the following:

(13) The term "Skim milk" means cows' milk containing less than 1 percent butterfat.

4. Amend § 941.1 (a) by adding thereto as subparagraph (14) the following:

(14) The term "Cream" means a liquid or semi-liquid product containing more than 6 percent butterfat except ice cream, ice cream mix, butter, evaporated milk, plain or sweetened condensed milk and frozen cream.

5. Amend § 941.1 (a) by adding thereto as subparagraph (15) the following:

(15) The term "Unaccounted for milk" means milk, skim milk, and cream, the utilization of which cannot be determined because adequate records of the disposition of such milk, skim milk, and cream into products are not made available to the market administrator.

6. Amend § 941.1 (a) by adding thereto as subparagraph (16) the following:

(16) The term "Shrinkage" means all butterfat which cannot be accounted for in a product and inventories, and which is not contained in "Unaccounted for milk."

7. Amend § 941.1 (a) by adding thereto as subparagraph (17) the following:

(17) The term "Nonhandler" means any person who is not a handler but who distributes milk, skim milk, or cream on retail or wholesale routes or engages in the manufacture of milk products.

8. Delete § 941.3 and substitute therefor the following:

§ 941.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 7th day after the end of each delivery period, each handler who purchases or receives milk, skim milk, and cream from associations of producers and other handlers, with respect to all milk, skim milk, and cream purchased or received from such sources, shall submit to the market administrator and to the association of producers or handlers from whom the milk, skim milk, and cream was purchased, a record of the utilization of such milk, skim milk, and cream, classified pursuant to § 941.4.

(2) On or before the 10th day after the end of each delivery period, the quantity, butterfat test, and butterfat pounds of:

(i) The receipts of milk at each plant from producers,

(ii) The receipts of all milk, skim milk, and cream at each plant from other handlers,

(iii) The receipts of "milk, skim milk, and cream from sources other than producers or handlers,"

(iv) The receipts at each plant of the milk produced by him, and

(v) The utilization of all receipts of milk, skim milk, and cream for the delivery period.

(3) On or before the 10th day after the end of each delivery period the information required with respect to producer additions and producer withdraw-

als, and changes in the names of farm operators.

(4) On or before the 10th day after the end of each delivery period, the sale or disposition of milk outside the marketing area, pursuant to § 941.5 (e) as follows:

(i) The amount and the utilization of such milk, skim milk, and cream;

(ii) The butterfat test thereof;

(iii) The point of use;

(iv) The plant from which such milk, skim milk, or cream is shipped; and

(v) Such other information with respect thereto as the market administrator may require.

(5) On or before the 25th day after the end of each delivery period his producer pay roll, which shall show for each producer

(i) The total delivery of milk with the average butterfat test thereof,

(ii) The net amount of payment to such producer made pursuant to § 941.8,

(iii) Any deductions and charges made by the handler, and

(iv) Such other information with respect thereto as the market administrator may require.

(b) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and of the records of any other handler or person upon whose disposition of milk, skim milk, and cream such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk, skim milk, and cream and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk, skim milk, and cream required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk, skim milk, and cream upon which classification depends; and

(3) Verify the payments to producers prescribed in § 941.8.

9. Delete § 941.4 and substitute therefor the following:

§ 941.4 *Classification of milk*—(a) *Basis of classification.* All milk received by a handler from producers including milk produced by him and all milk, skim milk, and cream received by him from other handlers and all other sources shall be reported by the handler in the classes set forth in (b) of this section:

Provided, That:

(1) Any milk moving from any handler's plant to the plant of a nonhandler who is a handler under any other milk marketing agreement or order issued under the act and at which plant the handling of milk is subject to such other agreement or order shall be Class I, and cream so moving shall be Class II unless satisfactory proof is furnished the market administrator that the milk or cream so moved was in excess of the amount used in products named in Class I and Class II of this order;

(2) Except during the delivery periods of August through November, any milk or cream moving from any handler's to the plant of a nonhandler who is not a handler under any other milk marketing agreement or order issued under the act and which plant has facilities for the manufacture of dairy products shall be classified according to its use by such nonhandler, subject to verification by the market administrator, provided the plant of the nonhandler is located within 100 miles of the plant where such milk was received from producers. Otherwise such milk shall be Class I and cream shall be Class II, subject to the provisions of § 941.5 (e);

(3) Any milk moving from any handler's plant to the plant of a nonhandler which does not have manufacturing facilities shall be classified as Class I milk and any cream so moved shall be classified as Class II milk;

(4) Any milk or skim milk moving from the handler's plant where the milk was first received from producers to the plant of a second handler which has manufacturing facilities, shall be Class I milk if moved from the second handler's plant in fluid form, and Class II if moved as cream;

(5) Any milk, skim milk, or cream moving from the handler's plant where the milk was first received from producers to a second handler's plant which has no manufacturing facilities may be classified according to its utilization by a third handler.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (a) of this section, the classes of utilization of milk, skim milk, and cream shall be as follows:

(1) Class I milk shall be all milk and skim milk disposed of in fluid form, flavored milk, flavored milk drinks, or buttermilk (excluding bulk milk and bulk skim milk disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute milk or skim milk in fluid form), including milk, skim milk disposed of to hotels, restaurants, and other retail food establishments "unaccounted for milk" and all "shrinkage" in excess of that amount of shrinkage allowed in Class IV.

(2) Class II milk shall be 3.5 percent milk equivalent of all butterfat which is disposed of as cottage cheese, eggnog, yoghurt, frozen cream, ice cream, ice cream mix (liquid or powder), cream, and any other milk product of similar composition and texture.

(3) Class III milk shall be 3.5 percent milk equivalent of all butterfat which is used in producing evaporated or condensed milk, or any product other than one of those specified in Classes I, II, and IV and all butterfat in milk, skim milk, cream, buttermilk, cottage cheese which is disposed of to bakeries, soup companies and candy manufacturing establishments which do not distribute milk, skim milk, and Class II milk products.

(4) Class IV milk shall be 3.5 percent milk equivalent of all butterfat which is used to produce butter and cheese except cottage cheese, inventory variations in the pounds of butterfat between the beginning and end of each delivery period and shrinkage up to an amount not greater than ½ percent of the pounds of butterfat received by a handler directly from producers, if any, plus 1½ percent of an amount determined by subtracting the pounds of butterfat disposed of to other handlers and nonhandlers from the total pounds of butterfat received. Any handler whose report claimed the original classifications of butterfat in this class shall be liable under the provisions of § 941.8 (g) for the difference between the Class IV and Class II prices for the delivery period in which the Class IV classifications was claimed on any such butterfat, if the butterfat used in the production of butter is subsequently used in the production of ice cream or ice cream mix (liquid or powder).

(c) *Responsibility of handlers in establishing classifications.* In establishing the classifications of milk as required in paragraph (b) of this section, the responsibilities of handlers in establishing the classification of milk received by them shall be as follows:

(1) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, skim milk, or cream disposed of to another handler, the burden rests upon the handler who purchased the milk from producers to account for the milk, skim milk, or cream, and to prove to the market administrator that such milk, skim milk, or cream should not be classified as Class I milk: *Provided,* That if verification by the market administrator discloses a higher utilization than that reported pursuant to § 941.3 (a) (1) for milk purchased by a handler from a cooperative association, the market administrator shall notify the purchasing handler and such purchasing handler shall make adjustments with the market administrator on the basis of such higher utilization.

(d) *Computation of milk in each class.* For each delivery period, each handler shall compute in the manner and on forms prescribed by the market administrator, the amount of milk in each class as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk:

(i) Received from producers,

(ii) Produced by him,

(iii) The total pounds of milk, skim milk, and cream received from other handlers,

(iv) Received from sources other than handlers or producers, and

(v) Add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows:

(i) Multiply the weight of the milk received from producers by its average butterfat test,

(ii) Multiply the weight of the milk produced by him by its average butterfat test,

(iii) Multiply the weight of the milk, skim milk, and cream received from other handlers by its average butterfat test,

(iv) Multiply the weight of the milk, skim milk, and cream received from sources other than producers and other handlers by its average butterfat test, and

(v) Add together the resulting amounts.

(3) Determine the total pounds of milk in Class I by

(i) Converting to quarts the quantity of milk and skim milk disposed of in fluid form, flavored milk, flavored milk drinks, or buttermilk, excluding bulk milk and bulk skim milk disposed of to bakeries, soup companies and candy manufacturing establishments and multiply the result by 2.15,

(ii) Multiply the pounds of milk and the pounds of skim milk by the respective average butterfat test and add the results obtained,

(iii) Determining the pounds of butterfat contained in "unaccounted for milk,"

(iv) If the pounds of butterfat obtained in (ii) plus (iii) of this paragraph when added to the pounds of butterfat in Class II, Class III, and Class IV milk computed pursuant to (d) (4) (ii), (d) (5) (ii) and (d) (6) (iii) of this section are less than the total pounds of butterfat received determined in accordance with (d) (2) of this section an amount equal to the difference shall be divided by 3.5 percent.

(v) Divide the pounds of butterfat contained in "unaccounted for milk" as shown in (iii) of this subparagraph by 3.5 percent, and

(vi) Add pounds of milk and milk equivalent determined pursuant to (i), (iv), and (v) of this subparagraph.

(4) Determine the total pounds of milk in Class II by

(i) Multiplying the actual weight of each of the several products of Class II milk by its average butterfat test,

(ii) Adding together the resulting amounts, and

(iii) Divide the result obtained in (ii) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III by

(i) Multiplying the actual weight of each of the several products of Class III milk including all butterfat contained in milk, cream, buttermilk, and cottage cheese which is disposed of to bakeries, soup companies and candy manufacturing establishments by its average butterfat test,

(ii) Adding together the resulting amounts, and

(iii) Divide the result obtained in (ii) of this paragraph by 3.5 percent.

(6) Determine the total pounds of milk in Class IV by

(i) Multiplying the actual weight of each of the several products of Class IV by its average butterfat test,

(ii) Determining the difference in pounds of butterfat contained in inventories in the beginning and end of the delivery period,

(iii) Adding the pounds of butterfat obtained in (i) and (ii) of this subparagraph,

(iv) Adding the total pounds of butterfat in Class I milk, Class II milk, and Class III milk computed pursuant to (d) (3) (ii) and (iii), (d) (4) (ii), and (d) (5) (ii) of this section to the total pounds of butterfat computed pursuant to (iii) of this subparagraph,

(v) If the total pounds of butterfat computed pursuant to (iv) of this paragraph is less than the total pounds of butterfat computed pursuant to (d) (2) of this section the difference is the quantity of butterfat shrinkage,

(vi) Determine the maximum Class IV shrinkage allowance by multiplying by .5 percent the pounds of butterfat received from producers by the handler and adding this amount to the result obtained by multiplying the total pounds of butterfat received from all sources by the handler less the pounds of butterfat disposed of by him to other handlers and nonhandlers by 1.5 percent,

(vii) Adding the total pounds of butterfat in shrinkage computed pursuant to (v) of this subparagraph or the maximum Class IV shrinkage allowance computed pursuant to (vi) of this paragraph, whichever is the smaller, to the pounds of butterfat obtained in (iii) of this subparagraph,

(viii) Divide the pounds of butterfat obtained in (vii) of this paragraph by 3.5 percent to determine the pounds of milk equivalent which resulting amount is total Class IV milk, and

(ix) If the total pounds of butterfat computed pursuant to (iv) of this paragraph is greater than the total pounds of butterfat computed to (d) (2) of this section, the difference is the quantity of butterfat overrun.

(7) Subject to the provisions of (a) of this section, determine the amount of milk received from producers by subtracting from the total pounds of milk in each class

(i) The pounds of milk which were received from other handlers, in the event that receipts by a handler of milk and cream are to be subtracted from Classes II, III, or IV. The butterfat contained in such receipts shall be converted to 3.5 percent milk equivalent before subtraction is made,

(ii) Subtracting pro rata out of the remaining quantity of milk in each class, the quantity of milk received from the handler's own farm (subtraction from Classes II, III, and IV shall be made by converting the butterfat to 3.5 percent milk equivalent),

(iii) Subtract from Class IV the 3.5 percent milk equivalent of the butterfat contained in milk from other sources, and

(iv) Except as set forth in paragraph (e) of this section, the result shall be known as the "net pooled milk" in each class.

(e) *Reconciliation of classification of milk with receipts of milk from producers.* In the event of a difference between the total quantity of milk in several classes as computed pursuant to (d) (7) of this section and the quantity of milk received from producers plus the pounds of 3.5 percent milk equivalent of butterfat overrun, determine pursuant to (d) (6) (ix) of this section. Such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

10. Delete § 941.5 and substitute therefor the following:

§ 941.5 *Minimum prices*—(a) *Class prices.* (1) Each handler shall pay at the time and in the manner set forth in § 941.8 for milk purchased or received by such handler at any plant located not more than 70 miles by rail or highway, whichever is the shorter, from the City Hall of Chicago, not less than the prices set forth in this paragraph. Any handler who purchases or receives during any delivery period milk, skim milk, or cream from a cooperative association which is also a handler shall, on or before the fifteenth day after the end of the delivery period, pay such cooperative association in full for such milk, skim milk, and cream at not less than the minimum class prices with appropriate differentials applicable pursuant to this section.

(2) *Class I milk.* The price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (b) of this section (for Class III milk), plus the following premiums:

During January, February, March, and April—70 cents

During May and June—50 cents; and

During July, August, September, October, November, and December—$1.00.

(3) *Class II milk.* The price per hundredweight for Class II milk shall be the price determined pursuant to paragraph (b) of this section (for Class III milk), plus the following premiums:

During January, February, March, April, May, and June—32 cents; and

During July, August, September, October, November, and December—60 cents.

(4) *Class III milk.* The price per hundredweight for milk containing 3.5 percent butterfat during each delivery period shall be the average, computed by the market administrator, of price, as reported by the United States Department of Agriculture, paid during such delivery period to farmers at each of the manufacturing plants or places listed in this subparagraph for which prices are reported, but in no event shall such price be less than the price computed pursuant to subparagraph (5) of this paragraph.

Location of Manufacturing Plants and Places

Mt. Pleasant, Michigan.
Sparta, Michigan.
Hudson, Michigan.
Wayland, Michigan.
Coopersville, Michigan.
Greenville, Wisconsin.
Black Creek, Wisconsin.
Orfordville, Wisconsin.
Chilton, Wisconsin.
Berlin, Wisconsin.
Richland Center, Wisconsin.
Oconomowoc, Wisconsin.
Jefferson, Wisconsin.
New Glarus, Wisconsin.
Belleville, Wisconsin.
New London, Wisconsin.
Manitowoc, Wisconsin.
West Bend, Wisconsin.

Provided, however, In event the method of announcing prices for milk is changed, by any of the above designated plant; the average of the lowest and highest prices paid at any such plant shall be used for purposes of determining prices hereunder: *And provided further,* That the price for any milk actually used for Class III purposes during the delivery periods of August through November shall be 10 cents per hundredweight more than the price otherwise applying to such milk, which 10 cents shall not be used in computing the price for Class I or Class II milk.

(5) *Class IV milk.* Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent: *Provided,* That such price shall be subject to the following adjustments:

(i) Add 3¾ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5 cents per pound, or

(ii) Subtract 3¾ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5 cents per pound.

For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture or a Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the Class IV price shall be subject to the following adjustments:

(i) Add 3¾ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 6 cents per pound, or

(ii) Subtract 3¾ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 6 cents per pound: *Provided, however,* The price for any milk actually used for Class IV purposes shall be increased 10 cents per hundredweight during the delivery periods of August through November, which 10 cents shall not be used in computing the price for Class I or Class II milk.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the prices per hundredweight of Class I and Class II milk, set forth in this section, shall be the price for Class III milk determined pursuant to paragraph (a) (4) of this section, the price for Class IV milk determined pursuant to paragraph (a) (5) of this section, or that derived from the following formula, whichever is the highest:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture, by six (6);

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(3) Divide by seven (7), the sum so determined being hereafter referred to as the "combined butter and cheese value":

(4) To the combined butter and cheese value add 30 percent thereof; and

(5) Multiply the sum computed in subparagraph (4) of this paragraph by 3.5.

(c) *Location adjustments to handlers.* (1) With respect to milk purchased or received from producers at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago; for each additional 15 miles or part thereof that such plant is located in excess of 70 miles from the City Hall in Chicago, there shall be allowed a deduction of 1 cent and 3 cents per hundredweight, respectively, for milk or cream delivered to the marketing area.

(d) *Sales outside the marketing area.* (1) The price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be the price, as ascertained by the market administrator, which is being paid for milk of equivalent use in the market where such milk is disposed of: *Provided,* That in the event such Class I milk is disposed of outside the 70-mile zone, such Class I price, as ascertained by the market administrator, shall be subject to a transportation adjustment of 2 cents per hundredweight of such milk for every 15 miles or fraction thereof up to and including 105 miles, and thereafter 1 cent for every 10 miles or fraction thereof from the shipping point for the plant where such milk is received from producers to the market where such milk is utilized as Class I milk: *Provided further,* That such Class I price, as ascertained by the market administrator, less the adjustment for transportation, shall not be lower than the Class I price, f. o. b. 70-mile zone, as set forth in § 941.5 (a) (2).

(2) The price to be paid by a handler for Class I milk disposed of outside the marketing area for which no price can be ascertained on the basis provided for in subparagraph (1) of this paragraph, including Class I milk disposed of to Govenment institutions and establishments on a basis of bids, shall be the price for Class I milk set forth in § 941.5 (a) (2) applicable for the plant at which such milk is received from producers, which price shall not be subject to adjustment for transportation as provided in subparagraph (1) of this paragraph.

11. Delete § 941.6 and substitute therefor the following:

§ 941.6 *Application of provisions*—(a) *Handlers who are also producers.* No provision hereof shall apply to a handler whose sole sources of supply are receipts from his own production and from other handlers, except that such handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) *Payment for milk received from sources determined as other than producers.* If any handler has purchased or received (1) milk, skim milk, or cream from sources other than producers or other handlers, the 3.5 percent milk equivalent of butterfat contained in such milk, skim milk, or cream shall receive a Class IV credit, and (2) if such handler can prove to the market administrator that such milk, skim milk, or cream was used for purposes which did not violate any regulations issued by the various health authorities in the marketing area, such milk, skim milk, and cream shall be deducted from the handler's utilization according to its use.

(c) *Payment for excess butterfat.* In the event that a handler has disposed of butterfat in excess of the butterfat which he reports as receiving from all sources, such handler shall pay to producers through the producer-settlement fund the milk equivalent value of such butterfat in accordance with its utilization. (The manner of computing the amount of excess butterfat is set forth in (d) (6) (ix) of § 941.4 and the value of such excess butterfat is included in the computations made in paragraph (e) of § 941.4 and § 941.7.)

12. Delete § 941.9 and substitute therefor the following:

§ 941.9 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof each handler shall pay to the market administrator, on or before the 18th day after the end of each delivery period, a sum not exceeding 2 cents per hundredweight with respect to all milk produced by him or purchased or received by him during such delivery period from producers, from sources other than producers or other handlers, the exact sum to be determined by the market administrator, subject to review

by the Secretary: *Provided,* That each handler, which is a cooperative association shall pay such prorata share of expense of administration only on that milk of producers actually received at a plant of such cooperative association, or caused to be delivered by such cooperative association to a plant from which no milk or cream is disposed of in the marketing area.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.

The following amendments have been proposed by the Dairy Branch, Production and Marketing Administration:

1. Throughout the order wherever the words "handler's plant" or words of similar meaning and import are used, insert the word "approved" prior to the word "plant."

2. Amend § 941.2 (c) by striking the word "and" at the end of (1) and by adding (3) and (4) as follows:

(3) To make rules and regulations to effectuate the terms and provisions hereof, and

(4) To recommend to the Secretary amendments hereto.

3. Amend § 941.4 (c) (2) by deleting that portion thereof which immediately precedes the proviso and substituting in lieu thereof, the following:

(2) With respect to milk (including skim milk and cream derived therefrom) disposed of to other handlers successively the burden rests upon the handler who purchased the milk from producers to account for the milk, skim milk, and cream and to prove to the market administrator that such milk, skim milk, and cream should not be classified as Class I milk:

4. Amend § 941.4 (c) by adding (3) thereto as follows:

(3) Any milk (including skim milk and cream derived therefrom) reported by a handler to have been used in any class, if found by the market administrator to have been used (whether in original or other form) by such handler or by any other person in a different class, shall be classified in accordance with such latter use. Any financial obligations resulting from verification shall be adjusted through either the handler who purchased the milk from producers, or any subsequent handler, or all, through the producer-settlement fund.

5. Amend § 941.4 (e) to read as follows:

(e) *Reconciliation of classification of milk with receipts of milk from producers.* In the event of a difference between the total quantity of milk in the several classes as computed pursuant to (d) (7) of this section and the quantity of milk received from producers plus the pounds of 3.5 percent milk equivalent of butterfat excess, such difference shall be reconciled as follows:

(1) If the total utilization of milk in the several classes for any handler, as computed pursuant to paragraph (d) (7) of this section, is less than the receipts of milk from producers, plus the pounds of 3.5 percent of milk equivalent of butterfat excess, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers, plus the pounds of 3.5 percent milk equivalent of butterfat excess, and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

(2) If the total utilization of milk in the several classes for any handler, as computed pursuant to paragraph (d) (7) of this section, is greater than the receipts of milk from producers, plus the pounds of 3.5 percent milk equivalent of butterfat excess, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers, plus the pounds of 3.5 percent milk equivalent of butterfat excess, and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

6. Amend § 941.5 by adding paragraph (f) as follows:

(f) *Adjustment of class prices by Secretary.* Whenever the Secretary finds and announces that the Class I or Class II price determined pursuant to this section is not in accord with the public interest, the applicable price for the delivery period shall be the same as the price for the same class for the delivery period immediately preceding.

7. Renumber § 941.14 as § 941.5 (g)

8. Amend § 941.7 (a) to read as follows:

(a) *Net pool obligation of handlers.* The market administrator shall on or before the fourteenth day of each delivery period examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be necessary, and subject to the provisions of § 941.6 the net pool obligations of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by multiplying the "net pooled milk" in each class computed pursuant to § 941.4 by the class price applicable pursuant to § 941.5 and adding together the resulting values.

9. Amend § 941.7 (b) (5) by adding the following sentence to this provision: "The uniform price for other zones shall be this price subject to the adjustments set forth in § 941.8 (b)."

10. Delete § 941.8 (a) and substitute therefor the following:

(a) *Time and method of payment.* On or before the 18th day after the end of each delivery period each handler shall pay each producer, for milk purchased or received during the delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight, computed pursuant to § 941.7 (b) and subject to the location adjustments and butterfat differential set forth in this section: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to (f) of this section, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

11. Amend § 941.8 (c) by striking the word "and" after the words "add 20 percent" and inserting a comma in lieu thereof, and by adding the following words at the end of said paragraph: "and adjust to the nearest $\frac{1}{10}$ of a cent."

12. Amend § 941.8 (f) by inserting after the words "any unpaid obligations" in the first sentence, the words "pursuant to (e) and (g) of this section, § 941.9 and § 941.10" and by deleting the last sentence of such paragraph.

13. Amend § 941.9 (a) by inserting the figure "(1)" prior to the words "As his prorata share" and adding (2) to said provision as follows:

(2) Whenever verification of reports required pursuant to § 941.3 (a) (2) discloses errors, the market administrator shall notify the handler and an adjustment shall be made in the computation of the expense of administration for the delivery period following such notification.

14. Amend § 941.10 (a) by inserting the figure "(1)" prior to the words "In making payments to producers" and adding (2) to said provision as follows:

(2) Whenever verification of reports required pursuant to § 941.3 (a) (2) discloses errors, the market administrator shall notify the handler and an adjustment shall be made in the computation of the marketing service deductions for the delivery period following such notification.

15. Make such other changes as may be required to make the entire order conform with the proposals herewith submitted.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331, South Building, Washington, D. C., or may be there inspected.

Dated: February 8, 1946.

[SEAL] C. W. KITCHEN,
Assistant Administrator.

[F. R. Doc. 46-2300; Filed, Feb. 11, 1946; 11:22 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

Name and Address of Firm, Industry, Learner Occupations, Number of Learners, Learning Period, Learner Wage, Effective and Expiration Dates

Adelphian Academy, Holly, Michigan; Wood Shop; 20 learners, Millman, assembler, packer, shipper and related operations, for a learning period of 480 hours at 30¢ an hour for the first 300 hours and 35¢ an hour for the remaining 180 hours; effective February 1, 1946, expiring January 31, 1947.

Maplewood Academy, Hutchinson, Minnesota; Bindery; 15 learners, Bindery worker and related operations, for a learning period of 700 hours at 30¢ an hour for the first 400 hours and 35¢ an hour for the remaining 300 hours; Craftshop; 8 learners, Sewing, sanding, gluing, assembling and related operations, for a learning period of 480 hours at 30¢ an hour for the first 300 hours and 35¢ an hour for the remaining 180 hours; Printshop; 6 learners, Compositor, pressman and related operations, for a learning period of 1,000 hours at 30¢ an hour for the first 500 hours and 35¢ an hour for the remaining 500 hours; Broomshop; 6 learners, Winding, stitching, sorting and related operations, for a learning period of 350 hours at 30¢ an hour for the first 200 hours and 35¢ an hour for the remaining 150 hours; effective February 1, 1946, expiring January 31, 1947.

Signed at New York, New York, this 6th day of February 1946.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 46-2285; Filed, Feb. 8, 1946; 4:39 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, and effective and expiration dates of the Certificates are as follows:

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890):

Colonial Manufacturing Company, Throop, Pennsylvania; Ladies' and children's cotton aprons and slips; ten (10) learners (T); effective from February 4, 1946, and expiring February 3, 1947.

Elder Manufacturing Company, Ste. Genevieve, Missouri; Dress shirts, collars and sleeping wear, boys' shirts, polo shirts and pajamas; ten (10) percent (T); effective from February 5, 1946, and expiring February 4, 1947.

R. Lowenbaum Manufacturing Company, E. Broadway, Sparta, Illinois; Cotton dresses; ten (10) percent (AT); effective from February 4, 1946, and expiring May 20, 1946.

Nardis Sportswear, Inc., 409 Browder Street and 400 Poydras Street, Dallas, Texas; Skirts, slacks, blouses, jackets, play suits; ten (10) percent (T); effective February 8, 1946, and expiring February 7, 1947.

Salant & Salant, Inc., Lawrenceburg, Tennessee; Pants, overalls, coveralls, work shirts, cotton work shirts; ten (10) percent (T); effective February 6, 1946, and expiring January 27, 1947.

Cigar Industry Learner Regulations, April 22, 1944 (9 F.R. 4330):

Budd Cigar Company, Quincy, Florida; cigars; twenty (20) percent (AT); Cigar machine operating for a learning period of 320 hours at 30 cents per hour; Machine stripping for a learning period of 160 hours at 30 cents per hour; Hand stripping for a learning period of 160 hours at 30 cents per hour; Cigar packing for a learning period of 160 hours at 30 cents per hour; effective from February 3, 1946, and expiring August 2, 1946.

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530), as amended by Administrative Order March 13, 1943, (8 F.R. 3079):

Martinat Hosiery Mills, Inc., Valdese, North Carolina; Seamless hosiery; ten (10) learners (AT); effective from February 9, 1946 and expiring August 8, 1946.

Paul Knitting Mills, Pulaski, Virginia; Seamless hosiery; forty-five (45) learners (AT); effective from February 7, 1946, and expiring July 21, 1946.

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079):

Louis Gallet Knitting Mills, Penn-Craft R. D. #1, East Millsboro, Pennsylvania; Knitted outerwear; Five (5) learners (T); effective from February 2, 1946, and expiring February 1, 1947.

Independent Telephone Learner Regulations, July 17, 1944, (9 F.R. 7125):

American Telephone Company, Hill City, Kansas; (T); effective from February 6, 1946, and expiring February 5, 1947.

Regulations, Part 522—Regulations Applicable to the Employment of Learners (supra):

The Waseca Journal, 211 N. State Street, Waseca, Minnesota; Commercial printing and publishing; One (1) learner; Printer for a learning period of 1000 hours at 30 cents per hour for the first 500 hours, and 35 cents per hour for the remaining 500 hours; effective from February 1, 1946, and expiring September 30, 1946.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 6th day of February 1946.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 46-2284; Filed, Feb. 8, 1946; 4:39 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-421]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

FEBRUARY 5, 1946.

Upon consideration of the applications filed October 22, 1942, as supplemented by application filed September 23, 1943, by Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a corporation organized and existing under the laws of the State of Kansas and authorized to do business in the States of Kansas and Nebraska, with its principal place

of business in Phillipsburg, Kansas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for authority to transport and sell natural gas in interstate commerce, subject to the jurisdiction of the Commission, and to construct and operate facilities therefore;

It appearing to the Commission that:

(a) Temporary certificates have been issued authorizing acts and operations proposed by the above mentioned applications;

(b) The facilities, for which a certificate of public convenience and necessity is requested, are as follows: approximately nine miles of pipe line with appurtenant equipment extending from the town of McCook to the McCook Airfield, all within Red Willow County, Nebraska, consisting of a four inch and a three inch parallel pipe lines extending 4,494 feet from the town of McCook, thence a three inch pipe line extending approximately 11,000 feet, thence two three inch parallel pipe lines extending 15,840 feet, and thence a six inch pipe line extending 15,840 feet to the McCook Airfield;

The Commission orders that:

(A) A public hearing be held commencing on the 18th day of February, 1946, at 10:00 a. m., in the Main Hearing Room, Illinois Commerce Commission, 160 North La Salle Street, Chicago, Illinois, concerning the matter involved and the issues presented in the above-entitled matter;

(B) Interested State commissions may participate in the hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-2292; Filed, Feb. 11, 1946; 9:42 a. m.]

[Docket No. G-683]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

ORDER FIXING DATE OF HEARING

FEBRUARY 5, 1946.

Upon consideration of the application filed November 28, 1945, as supplemented on January 7, 1946, by Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a corporation organized and existing under the laws of the State of Kansas and authorized to do business in the States of Kansas and Nebraska with its principal place of business in Phillipsburg, Kansas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, for authority to transport and sell natural gas in interstate commerce, subject to the jurisdiction of the Commission, and to acquire, construct and operate facilities therefore, described as follows:

The facilities proposed to be constructed and operated are:

(1) Approximately 77 miles of a connecting steel pipe line to extend from a junction near Phillipsburg, Kansas, with Applicant's present 12¾-inch O. D. pipe line in Township 3 South, Range 18 West, in Phillips County, Kansas, and Franklin County, Nebraska, and across the northwest corner of Webster County, Nebraska, into Adams County, Nebraska, to a junction near Hastings, Nebraska, with Applicant's present 10¾-inch O. D. pipe line in Township 8 North, Range 10 West, in Adams County, Nebraska. The line is to consist of approximately 56 miles of 16-inch O. D. pipe and 21 miles of 12¾-inch O. D. pipe;

(2) Approximately 56 miles of a replacement steel pipe line to extend from the junction of Applicant's present 10¾-inch O. D. pipe line, and its 16-inch O. D. pipe line in Township 9 North, Range 7 West (in Hamilton County, Nebraska, southeastwardly through Clay and Nuckolls Counties, Nebraska, into Thayer County, Nebraska, and terminating at a point near Chester, in Township 1 North, Range 3 West, in Thayer County, Nebraska. This 56 miles of pipe line will consist of approximately 10 miles of 8⅝-inch O. D. pipe, 4 miles of 6⅝-inch O. D. pipe, 33 miles of 4½-inch O. D. pipe, and 9 miles of 2⅜-inch O. D. pipe, and will replace and will be laid upon substantially the same route as Applicant's present 16-inch O. D. pipe line, approximately 58½ miles of which Applicant proposes to take up and 56 miles of which it intends to re-lay as part of its proposed 77 mile pipe line described in Paragrah 1, above;

(3) One 1,000 horse power compressor unit and auxiliary equipment to be installed at Applicant's compressor station near Scott City, Kansas;

(4) A new compressor station to be constructed near Applicant's 12¾-inch O. D. pipe line, at a point approximately one mile southwest of Palco in Rooks County, Kansas, in which station are to be installed two 1,000 horse power compressor units and one 500 horse power unit, and auxiliary equipment;

(5) Applicant's compressor station near Traer, in Decatur County, Kansas, containing a 500 horse power compressor unit and auxiliary equipment, to be removed to and reinstalled at a point on Applicant's 8⅝-inch O. D. pipe line east of Colby, in Thomas County, Kansas, and an additional 500 horse power compressor unit and auxiliary equipment to be installed therein;

(6) Three 450 horse power compressor units and auxiliary equipment to be removed from Applicant's compressor station near Scott City, Kansas, to be reinstalled at Applicant's compressor station near Deerfield, in the Hugoton gas field, Kansas;

(7) The following branch or lateral pipe lines to extend from the nearest practicable points on Applicant's pipe line system to points in or near, and to serve natural gas to the following sixteen communities in Nebraska, all of which are situated within or immediately adjacent to the territory served by Applicant: (a) Marion, Danbury and Lebanon in Red Willow County, Nebraska. Approximately 13 miles of 2⅜-inch O. D. steel pipe; (b) Juniata in Adams County, Nebraska. Approximately 1½ miles of 2⅜-inch O. D. steel pipe; (c) Fairfield in Clay County, Nebraska. Approximately 8 miles of 2⅜-inch O. D. steel pipe; (d) Bruning, Carleton and Belvidere in Thayer County, Nebraska. Approximately 17 miles of 2⅜-inch O. D. steel pipe; (e) Ong, in Clay County, Nebraska, and Shickley, Strang and Ohiowa in Fillmore County, Nebraska. Approximately 24 miles of 2⅜-inch O. D. steel pipe; (f) Saronville in Clay County, Nebraska. Approximately 3 miles of a 2⅜-inch O. D. steel pipe; (g) Doniphan in Hall County, Nebraska. Approximately 8 miles of 2⅜-inch O. D. steel pipe; (h) Central City and Chapman in Merrick County, Nebraska. Approximately 25 miles of 8⅝-inch and 4½-inch O. D. steel pipe;

The facilities to be acquired and operated from the Central Electric and Gas Company are:

(1) Approximately 20 miles of 6⅝-inch O. D. steel pipe line, extending from a point near Aurora, in Hamilton County, Nebraska, to York in York County, Nebraska, with approximately 2 miles of 2⅜-inch O. D. branch or lateral lines extending to Hampton and Bradshaw, Nebraska.

(2) Approximately 8 miles of 4½-inch and 3½-inch O. D. steel pipe line, extending from a point near Fairmont to Exeter, all in Fillmore County, Nebraska.

(3) Approximately 6 miles of 4½-inch O. D. steel pipe line extending from a point near Fairmont to Geneva, all in Fillmore County, Nebraska;

(4) Town border meter and regulating stations.

The Commission orders that:

(a) A public hearing be held commencing on the 18th day of February, 1946, at 10:00 a. m., in the Main Hearing Room, Ilincis Commerce Commission, 160 North La Salle Street, Chicago, Illinois, concerning the matter involved and the issues presented in the above-entitled matter;

(b) Interested State commissions may participate in the hearing as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-2293; Filed, Feb. 11, 1946; 9:42 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5314]

NUTRI-VAC CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of February A. D. 1946.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and ap-

pointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding began on Friday, March 8, 1946, at two o'clock in the afternoon of that day (central standard time), Room 222, Post Office Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 46-2296; Filed, Feb. 11, 1946; 11:06 a. m.]

[Docket No. 5351]

UNIVIS LENS CO. AND UNIVIS CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of February A. D. 1946.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 20, 1946, at two o'clock in the afternoon of that day (eastern standard time), in Court Room 219, Post Office Building, Dayton, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 46-2295; Filed, Feb. 11, 1946; 11:06 a. m.]

[Docket No. 5353]

MIAMI MARGARINE CO. AND RALPH H. JONES

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of February A. D. 1946.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 19, 1946, at ten o'clock in the forenoon of that day (eastern standard time), Room 322, New Federal Building, 85 Marconi Street, Columbus, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the Respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 46-2297; Filed, Feb. 11, 1946; 11:06 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 444-A]

UNLOADING OF FLOUR AT NEW ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of February A. D. 1946.

Upon further consideration of Service Order No. 444 (11 F.R. 1312) and good cause appearing therefor: *It is ordered,* That:

(a) Service Order No. 444, *Flour at New Orleans, Louisiana, be unloaded,* be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, That this order shall become effective at 12:01 a. m., February 10, 1946; that a copy of this order and direction shall be served upon the Texas and New Orleans Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-2319; Filed, Feb. 11, 1946; 11:47 a. m.]

[3d Rev. S. O. 419, Amdt. 2]

EMBARGO OF LESS CARLOAD FREIGHT AT SIOUX CITY AND VICINITY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of February, A. D. 1946.

Upon further consideration of Third Revised Service Order No. 419 (11 F.R. 817), as amended (11 F.R. 1312), and good cause appearing therefor: *It is ordered,* That:

Third Revised Service Order No. 419, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) for paragraph (c) thereof:

(c) *Expiration date.* This order shall expire at 11:59 p. m., February 12, 1946, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485, sec. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17), 15 (4))

It is further ordered, That this amendment shall become effective at 6:00 p. m., February 7, 1946; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroad subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-2318; Filed, Feb. 11, 1946; 11:47 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[SO 142, Order 26]

PANTEX PRESSING MACHINE CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 26 under Supplementary Order No. 142. Adjustment provisions for sales of industrial machinery and equipment. Pantex Pressing Machine Company. Docket No. 6083-SO 142-136-39.)

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Supplementary Order No. 142, *It is ordered:*

(a) The maximum prices for sales by the Pantex Pressing Machine Company, Central Falls, Rhode Island, of the following 1 HP, Gas Fired Boilers shall be determined as follows: The manufacturer shall increase the maximum net price f. o. b. Pawtucket, Rhode Island, that he had in effect to each class of purchaser just prior to the issuance of this order by the following dollar and cents amount:

Item	*Dollar-and-cents amount*
1 hp. gas fired boiler—without injector	$31.00
1 hp. gas fired boiler—with injector	32.75

(b) The maximum prices for resales by resellers of the items listed in paragraph (a) shall be determined as follows: The reseller shall add to his maximum net prices he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted by this order.

(c) The Pantex Pressing Machine Company shall notify each person who buys these 1 HP Gas Fired Boilers from the Pantex Pressing Machine Company for resale of the dollar-and-cents amount by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 9, 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2274; Filed, Feb. 8, 1946; 11:35 a. m.]

[SO 118, Order 1]

WHITE MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

Correction

In Federal Register Document 46-793, appearing on page 700 of the issue for Thursday, January 17, 1946, subparagraph 1 under paragraph (a), inadvertently omitted, should read as follows: "1. Thermostat, Type A-22."

[MPR 64, Rev. Order 238]

FLORENCE STOVE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 238 under Maximum Price Regulation No. 64 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered:*

(a) This order establishes maximum prices for sales at retail of the six models of gas ranges listed below manufactured by the Florence Stove Company, Gardner, Massachusetts. For sales in each zone by retail dealers to ultimate consumers, the maximum prices, including the Federal excise tax, but not including any state or local taxes imposed at the point of sale are those set forth below:

Model	Article	Maximum prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
A 9431	Gas range	$69.95	$71.95	$74.50	$76.25
B 9431	do	69.95	71.95	74.50	76.25
A 9531	do	77.75	79.75	82.25	83.95
B 9531	do	77.75	79.75	82.25	83.95
871	Combination	207.50	212.25	219.50	226.75
A 8710	do	194.75	199.50	206.75	214.25

These prices include delivery and installation. If the retail dealer does not provide installation, he shall compute his maximum price by deducting $9.00 in the case of combination ranges and $6.00 in the case of gas ranges not of the combination type from the maximum price shown above for his sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $9.00 less than the price shown on the label if the range is of the combination type, and $6.00 less than the price shown on the label if the range is not of the combination type.

(c) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states in the case of Models A9431, B9431, A9531 and B9531:

Zone 1. Illinois.

Zone 2. Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Nebraska, Kansas, Oklahoma, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Maryland, District of Columbia, Pennsylvania, New Jersey, New York, Rhode Island, Massachusetts, Connecticut, New Hampshire and Vermont.

Zone 3. Florida, Maine, Texas, Colorado, Wyoming, North Dakota, South Dakota and Montana.

Zone 4. Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, and New Mexico.

Zones, 1, 2, 3, and 4 comprise the following states in the case of Models 871 and A871 O:

Zone 1. Massachusetts, Connecticut and Rhode Island.

Zone 2. Illinois, Tennessee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Ohio, Michigan, Pennsylvania, New York, Vermont, New Hampshire, Maine, New Jersey, Delaware, Maryland, and the District of Columbia.

Zone 3. Florida, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas and Oklahoma.

Zone 4. Montana, Wyoming, Colorado, New Mexico, Texas, Arizona, Utah, Idaho, Washington, Oregon, Nevada and California.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 23d day of February 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2265; Filed, Feb. 8, 1946; 11:38 a. m.]

[MPR 64, Order 257]

MOUNT VERNON FURNACE & MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, *It is ordered:*

(a) This order establishes maximum prices for sales of two models of gas ranges manufactured by the Mount Vernon Furnace & Mfg. Company, Mount Vernon, Illinois.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax are those set forth below:

Model No.	Article	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
55	Gas range	$24.59	$25.37	$26.46	$27.19
58	Bungalow range	84.18	86.68	90.15	92.65

These prices are f. o. b. wholesale distributor's city. In all other respects they are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including the Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model No.	Article	Maximum prices for sales to ultimate consumer			
		Zone 1	Zone 2	Zone 3	Zone 4
		Each	*Each*	*Each*	*Each*
55	Gas range	$44.25	$45.50	$47.25	$48.25
58	Bungalow range	139.95	143.95	149.50	153.50

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting $9.00 in the case of gas bungalow ranges and $6.00 in the case of gas ranges not of the bungalow type from his maximum price as shown above for sales on an installed basis. In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than

trade-in allowances) and other price differentials in effect on sales of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale after the effective date of this order the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation, the maximum price is $9.00 less than the price shown on the label if the range is of the bungalow type and $6.00 less than the price shown on the label if the range is not of the bungalow type.

(d) For purposes of this order Zones 1, 2, 3, and 4 comprise the following states:

Zone 1. Illinois.

Zone 2. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Indiana, Kentucky, Tennesee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, and the District of Columbia.

Zone 3. Montana, Wyoming, Colorado, New Mexico, Texas, Florida and Maine.

Zone 4. Washington, Oregon, Idaho, Utah, Arizona, Nevada and California.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 23d day of February 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2266; Filed, Feb. 8, 1946; 11:37 a. m.]

[MPR 64, Order 258]

MONITOR EQUIPMENT CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 8 and 11 of Maximum Price Regulation No. 64, it is ordered:

(a) *Maximum prices.* This order establishes maximum prices for sales of the Models No. ELRA-1 and No. ELRA-3 electric ranges manufactured by Electromaster, Inc., Detroit, Michigan, for sale to Monitor Equipment Corp., 110 E. 42d Street, New York, New York as follows:

(1) For sales in each zone by wholesale distributors to retail dealers, the maximum prices including the Federal excise tax are those set forth below:

Model	Maximum prices for sales to retail dealers			
	Zone 1	Zone 2	Zone 3	Zone 4
ELRA-1:	*Each*	*Each*	*Each*	*Each*
1 to 4	$106.55	$108.58	$110.30	$112.33
5 or more	102.61	104.56	106.20	108.16
ELRA-3:				
1 to 4	71.52	72.61	73.71	74.77
5 or more	68.87	70.07	70.97	72.02

These prices are f. o. b. the seller's city and are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices including the Federal excise tax but not including any local sales taxes are those set forth below:

Model	Maximum prices for sales to ultimate consumers			
	Zone 1	Zone 2	Zone 3	Zone 4
	Each	*Each*	*Each*	*Each*
ELRA-1	$169.25	$172.50	$175.25	$178.50
ELRA-3	114.75	116.50	118.25	119.95

These prices include delivery, a one year warranty, and installation where such installation requires the provisions of no materials other than a range cord set (customarily referred to in the industry as a "pigtail") and its connection to the electric outlet provided by the purchaser. If the retail dealer does not furnish a range cord set, either because it is not required or for any other reasons, he must deduct $3.50 from the retail ceiling price for the range as shown above. In all other respects these prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale the Monitor Equipment Corp. shall notify the purchaser of the maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) *Labelling.* The Monitor Equipment Corp. prior to shipping any range covered by this order to a retail dealer shall cause to be affixed securely to the outside panel of the oven door of each range a label showing the name of the manufacturer, the model number of the range, its OPA retail ceiling price in each zone, and a list of the states included in each zone. The label shall also contain a statement that the retail price includes the Federal excise tax, delivery, a one year warranty, and installation where such installation requires the provision of no material other than a range cord set (customarily referred to in the industry as a "pigtail") and its connection to the electric outlet provided by the purchaser. The label shall further state that if the retail dealer does not furnish a range cord set he must deduct $3.50 from the retail ceiling price for the range. This label may not be removed until after the range has been sold to an ultimate consumer.

(d) *Zones.* For purposes of this order Zones 1, 2, 3, and 4 include the following:

Zone 1. Michigan, Indiana and Ohio.

Zone 2. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Wisconsin, Illinois, Minnesota, Iowa, Missouri and Arkansas.

Zone 3. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Montana, Wyoming, Colorado, New Mexico, and Florida.

Zone 4. Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 23d day of February 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2267; Filed, Feb. 8, 1946; 11:37 a. m.]

[MPR 188, 2d Rev. Order 3500]

HUSKEY MFG. CO.

APPROVAL OF MAXIMUM PRICES

Revised Order No. 3500, under § 1499.158 of Maximum Price Regulation No. 188, is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This second revised order establishes maximum prices for sale and deliveries of three wardrobes manufactured by Huskey Manufacturing Company, 123 North 2nd Street, Philadelphia, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*	*Each*
Single door cedar wardrobe	301-A	$20.16	$21.42	$25.20
Double door cedar and poplar wardrobe	301	18.32	19.47	22.90
Double door cedar and poplar wardrobe	501	15.64	16.61	19.55

These prices are f. o. b. factory, are subject to a cash discount of two per cent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application

submitted to the Office of Price Administration on or about January 10, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this second revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method. § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(4) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this second revised order for sales by the purchaser. This notice may be given in any convenient form.

(5) This second revised order may be revoked or amended by the Price Administrator at any time.

This second revised order shall become effective on the 9th day of February 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2268; Filed, Feb. 8, 1946; 11:34 a. m.]

[MPR 188, Order 4850]

HANOVER WIRE CLOTH CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) Maximum prices, full freight allowed, for sales of "Screen Paint" manufactured by Hanover Wire Cloth Company, Hanover, Pa., are established as follows:

Color	Quantity	On sales to—		
		Wholesaler	Dealer	Consumer
		Cents	*Cents*	*Cents*
Black	Pint	25	37	50
	Half-pint	17	22	33
Gray and antique	Pint	33	49	69
	Half-pint	20	27	40

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of the aforesaid commodity to a wholesaler or dealer, the manufacturer shall furnish such wholesaler or dealer with a written notice containing the schedule of maximum prices set out in paragraph (a) above and a statement that they have been established by the Office of Price Administration.

(d) Prior to making any delivery of the aforesaid commodity after the effective date of this order the manufacturer shall mark or cause to be marked on each container which ever of the following legends is applicable:

Screen paint:	*Cents*
Black, 1 pint size, maximum retail price	50
Black, ½ pint size, maximum retail price	33
Gray and antique, 1 pint size, maximum retail price	69
Gray and antique, ½ pint size, maximum retail price	40

This order shall become effective the 8th day of February 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2269; Filed, Feb. 8, 1946; 11:37 a. m.]

[MPR 188, Order 4851]

GENERAL ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation No. 188, and section 6.4 of Second Revised Supplementary Regulation No. 14, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of heat lamps manufactured by the General Electric Company, 1285 Boston Avenue, Bridgeport 2, Connecticut.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Distributors	Dealers 6 or more	Dealer 1-5 units	Consumers
Heat lamp	PL1A1	*Each* $4.23	*Each* $5.08	*Each* $5.50	*Each* $8.46
	PL2A1	1.00	1.20	1.30	1.98

These prices are for the articles described in the manufacturer's applications dated January 19, 1946. Federal Excise Tax is not included.

(2) For sales by the manufacturer, these prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. destination and subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale of similar articles.

(b) At the time of, or prior to, the first invoice to each purchaser for resale, the seller shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order shall become effective on the 9th day of February 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2270; Filed, Feb. 8, 1946; 11:38 a. m.]

[MPR 260, Order 2068]

MANUEL DE JESUS PARILLA

AUTHORIZATION OF MAXIMUM PRICES

Correction

In the table in Federal Register Document 46-781, appearing on page 690 of the issue for Thursday, January 17, 1946, the next to last price under the column headed "Maximum retail price" should read "2 for 21".

[MPR 580, Amdt. 4 to Order 58]

RAINFAIR, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation No. 580, Amendment 4 to Order 58. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-502.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 58 is amended in the following respect:

Paragraph (a) is amended by adding:

Article	Brand name	Style name	Manufacturer's selling price	Retail ceiling price
Coat	Rainfair	Captain	$8.50	$14.50

This amendment shall become effective February 9, 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2271; Filed, Feb. 8, 1946; 11:33 a. m.]

[MPR 591, Order 285]

EATON MFG. CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following home freezers manufactured by the Eaton Manufacturing Company of Carbondale, Illinois, and as described in the application dated November 15, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—	
	Dealers	Consumers
12 cu. ft. ¼ hp. condensing unit	$250	$395
18 cu. ft. ⅓ hp. condensing unit	325	495
22 cu. ft. ½ hp. condensing unit	375	595

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) The Eaton Manufacturing Company of Carbondale, Illinois shall stencil on the lid or cover of the home freezers covered by this order, substantially the following:

OPA Maximum Retail Price—$———

Plus freight and crating as provided in Order No. 285 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 9, 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2272; Filed, Feb. 8, 1946; 11:35 a. m.]

[MPR 591, Order 286]

CHAPMAN AND WOOD

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following frozen food cabinets, manufactured by Chapman and Wood, 4525 Southwest Pomona Street, Portland 1, Oregon, and as described in the application dated January 6, 1946, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to—	
	Dealers	Consumers
12 cu. ft. ¼ hp. condensing unit	$244	$375
15 cu. ft. ¼ hp. condensing unit	277	425
18 cu. ft. ⅓ hp. condensing unit	292	450
21 cu. ft. ½ hp. condensing unit	309	475

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts, and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales in the same general category on October 1, 1941.

(d) On sales by a dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) Chapman and Wood of Portland, Oregon, shall stencil on the lid or cover of the frozen food cabinets covered by this order, substantially the following:

OPA Maximum Retail Price $———

Plus freight and crating as provided in Order No. 286 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 9, 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2273; Filed, Feb. 8, 1946; 11:34 a. m.]

[RMPR 165, Order 1 Under Supp. Service Reg. 64]

PORTER PATENT LEATHER CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (d) of Supplementary Service Regulation 64 to Revised Maximum Price Regulation 165, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales by the Porter Patent Leather Company of Canton, Mass., of the service of japanning coated fabrics to produce artificial patent leather, in special bag finishes. This order also establishes the circumstances under which the seller of the fabric, which has been japanned in the special bag finish by the Porter Patent Leather Company, may use such higher japanning costs in the computation of his maximum price for sales of the artificial patent leather.

(b) *Maximum prices.* (1) The maximum prices for sales by the Porter Patent Leather Company of Canton, Massachusetts, of the service of japanning coated fabrics to produce artificial patent leather in special bag finishes, shall be 1½ cents per square foot higher than the maximum prices for japanning set forth in Supplementary Service Regulation No. 64.

(2) The maximum prices for sales of the artificial patent leather which has been japanned in special bag finishes by the Porter Patent Leather Company, Canton, Massachusetts, shall be determined pursuant to the provisions of Maximum Price Regulation 478; *Provided, however,* That if the purchaser of such artificial patent leather is a shoe manufacturer, the cost of the japanning used in the computation of the maximum price for the artificial patent leather shall be the maximum prices for japanning as set forth in Supplementary Service Regulation 64, or the actual price charged for japanning, whichever is lower, and not the higher adjusted price permitted under this order.

(c) *Relation to other regulations.* All provisions of Revised Maximum Price Regulation 165 not inconsistent with this order shall apply to sales of the service of japanning in special bag finishes. All provisions of Maximum Price Regulation 478 not inconsistent with this order shall apply to sales of the artificial patent leather japanned in special bag finishes.

(d) *Notification.* With or prior to the first delivery by the Porter Patent Leather Company to the purchaser of the service of japanning in special bag finishes, the Porter Patent Leather Company shall furnish such buyer with a written statement as follows:

By OPA order, you may use the price charged for this japanning service in special bag finishes in your computation of your maximum price for sales of the artificial patent leather. If your purchaser is a shoe manufacturer, however, you *must* use the price charged for this japanning service or the maximum prices for japanning listed in Supplementary Service Regulation 6a, whichever is lower.

(e) This order may be revoked or amended by the Price Administrator any time.

This order shall become effective February 8, 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2287; Filed, Feb. 8, 1946; 4:48 p. m.]

[RMPR 165, Order 2 Under Supp. Service Reg. 64]

NEW ENGLAND PATENT LEATHER CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (d) of Supplementary Service Regulation 64 to Revised Maximum Price Regulation 165, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales by the New England Patent Leather Company, Winchester, Massachusetts of the service of japanning coated fabrics to produce artificial patent leather, in special bag finishes. This order also establishes the circumstances under which the seller of the fabric, which has been japanned in the special bag finish by the New England Patent Leather Company, may use such higher japanning costs in the computation of his maximum price for sales of the artificial patent leather.

(b) *Maximum prices.* (1) The maximum prices for sale by the New England Patent Leather Company of Winchester, Mass., of the service of japanned coated fabrics to produce artificial patent leather in special bag finishes, shall be 1½ cents per square foot higher than the maximum prices for japanning set forth in Supplementary Service Regulation No. 64.

(2) The maximum prices for sales of the artificial patent leather which has been japanned in special bag finishes by the New England Patent Leather Company, Winchester, Mass., shall be determined pursuant to the provisions of Maximum Price Regulation 478: *Provided, however,* That if the purchaser of such artificial patent leather is a shoe manufacturer, the cost of the japanning used in the computation of the maximum price for the artificial patent leather shall be the maximum prices for japanning as set forth in Supplementary Service Regulation 64, or the actual price charged for japanning, whichever is lower, and not the higher adjusted price permitted under this order.

(c) *Relation to other regulations.* All provisions of Revised Maximum Price Regulation 165 not inconsistent with this order shall apply to sales of the service of japanning in special bag finishes. All provisions of Maximum Price Regulation 478 not inconsistent with this order shall apply to sales of the artificial patent leather japanned in special bag finishes.

(d) *Notification.* With or prior to the first delivery by the New England Patent Leather Company to the purchaser of the service of japanning in special bag finishes, the New England Patent Leather Company shall furnish such buyer with a written statement as follows:

By OPA order, you may use the price charged for this japanning service in special bag finishes in your computation of your maximum price for sales of the artificial patent leather. If your purchaser is a shoe manufacturer, however, you *must* use the price charged for this japanning service or the maximum prices for japanning listed in Supplementary Service Regulation 64, whichever is lower.

(e) This order may be revoked or amended by the Price Administrator anytime.

This order shall become effective February 8, 1946.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2288; Filed, Feb. 8, 1946; 4:48 p. m.]

[RMPR 136, Order 579]

HARLEY-DAVIDSON MOTORCYCLE CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 579 under Revised Maximum Price Regulation 136. Machines, parts, and industrial equipment. Harley-Davidson Motorcycle Company; Docket No. 1136-257-P and Docket No. 6083-136.21-700.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The Harley-Davidson Motorcycle Company, Milwaukee, Wisconsin, (hereinafter referred to as "seller") is authorized to sell each Harley-Davidson motorcycle described in subparagraph (1) at a price not to exceed the applicable list price in subparagraph (1), adjusted as provided in that subparagraph, plus the applicable allowances in subparagraph (2):

(1) *List price.* The following applicable list price, f. o. b. factory, to which shall be applied the seller's discount in effect on March 31, 1942:

Motorcycles	*List price f. o. b. factory (including Federal excise tax on tires and tubes).*
Models E, EL, and ES 61"----------	$500.61
Models F, FL and FS 74"----------	501.92
Models U, UL and US 74"----------	464.29
Models WL and WS 45"----------	433.17
Model G (Servi-car)----------	639.72
Model GA (Servi-car)----------	626.58

(2) *Charges.* (i) A charge for each item of extra, special and optional equipment not to exceed the charge in effect on March 31, 1942 for such equipment when sold as original equipment, except that for the items in the following schedule the respective list prices less the applicable discounts in effect on March 31, 1942, shall not be exceeded:

Description	*List price*
Side cars:	
Models LE and LLE----------	$145.78
Models M and LM----------	154.20
Side car chassis:	
Models MC and LMC----------	91.20

(ii) A charge to cover handling and delivery expense computed in accordance with the seller's method in effect on March 31, 1942;

(iii) A charge to cover freight expense based on current freight rates and computed in accordance with the seller's method in effect on March 31, 1942;

(iv) A charge to cover Federal excise tax on the vehicle and extra, special and optional equipment, except the tires and tubes, and State and local taxes on the sale or delivery of the vehicle and equipment, computed in accordance with the seller's method in effect on March 31, 1942.

(b) A reseller of Harley-Davidson motorcycles may sell, delivered at place of business, each Harley-Davidson motorcycle described in subparagraph (1) below at a price not to exceed the applicable list price in that subparagraph plus applicable allowances in subparagraph (2) below, less the discounts in effect on March 31, 1942.

(1) *List price.*

Motorcycles	
Models E, EL and ES 61"----------	$500.61
Models F, FL and FS 74"----------	501.92
Models U, UL and US 74"----------	464.29
Models WL and WS 45"----------	433.17
Model G (Servi-car)----------	639.72
Model GA (Servi-car)----------	626.58

(2) *Charges.* (i) A charge for each item of extra, special or optional equipment not to exceed the charge in effect on March 31, 1942 for such equipment when sold as original equipment, except that for the items in the following schedule the respective list prices, less the applicable discounts in effect on March 31, 1942, shall not be exceeded.

Description	*List price*
Side cars:	
Models LE and LLE----------	$145.78
Models M and LM----------	154.20
Side car chassis:	
Models MC and LMC----------	91.20

(ii) A charge for transportation which shall not exceed the charge the Harley-Davidson Motorcycle Company would make for the transportation of the motorcycle from the factory to the place of business of the reseller.

(iii) A charge to cover Federal excise tax on the vehicle and extra, special and optional equipment, except the tires and tubes, and State and local taxes on the sale or delivery of the vehicle and equipment, computed in accordance with the reseller's method in effect on March 31, 1942.

(iv) The reseller's charge in effect on March 31, 1942, for handling and delivery.

(v) The dollar amount of all other charges or allowances which the reseller had in effect on March 31, 1942.

(c) A reseller of Harley-Davidson motorcycles that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942 shall determine its maximum price for a motorcycle listed in subparagraph (1) of paragraph (b) by adding to the applicable list price in that subparagraph, less the applicable suggested discounts the Harley-Davidson Motorcycle Company had in effect on March 31, 1942, the following applicable charges:

(i) The original equipment retail charges that the Harley-Davidson Motorcycle Company suggested on March 31, 1942, be made by resellers for the extra, special or optional equipment attached to the motorcycle as original equipment, except that for the items in

the following schedule the respective list prices, less the applicable suggested discounts Harley-Davidson Motorcycle Company had in effect on March 31, 1942, shall not be exceeded.

Description	*List price*
Side cars:	
Models LE and LLE	$145.78
Models M and LM	154.20
Side car chassis:	
Models MC and LMC	91.20

(ii) A charge for transportation which shall not exceed the charge the Harley-Davidson Motorcycle Company would make for the transportation of the motorcycle from the factory to the place of business of the reseller.

(iii) A charge which shall not exceed the charge made by the Harley-Davidson Motorcycle Company, in accordance with the method that seller had in effect on March 31, 1942, to cover federal excise taxes. (Federal excise tax on tires and tubes shall not be included).

(iv) A charge which shall not exceed the reseller's expense for payment of State and local taxes on the purchase, sale or delivery of the motorcycle.

(v) A charge which shall not exceed the reseller's actual expense for handling and delivery of the motorcycle.

(d) A reseller of Harley-Davidson motorcycles, in any of the territories or possessions of the United States, is authorized to sell each of the motorcycles described in paragraph (b) at a price not to exceed the maximum prices established in paragraph (b) or (c), whichever is applicable, to which it may add a sum equal to the expense incurred by or charged to it for payment of territorial and insular taxes on the purchase, sale or introduction of the motorcycle; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the Harley-Davidson Motorcycle Company has an established price in accordance with section 8 of Revised Maximum Price Regulation 136, which is different than a price permitted under paragraph (a) because of a substantial change in design, specifications or equipment of the motorcycle, the reseller may add to its price under paragraph (b), (c), or (d) any increase in price to it over the price it would otherwise pay under paragraph (a) plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a), the reseller must reduce its price under (b), (c), or (d) by the amount of the decrease and its customary markup on such an amount.

This order shall be effective as of August 30, 1945.

Issued this 8th day of February 1946.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 46-2286; Filed, Feb. 8, 1946; 4:48 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1226]

ALABAMA POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of February A. D. 1946.

Notice is hereby given that an application-declaration has been filed with this Commission by Alabama Power Company ("Alabama"), a subsidiary of The Commonwealth & Southern Corporation, a registered holding company.

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Alabama proposes to:

(a) Issue not more than 300,000 shares of new Preferred Stock with a par value of $100 per share and a dividend rate of 4.20% per annum which will be offered in exchange to the holders of its outstanding 355,876 shares of Preferred Stock ("old Preferred Stock"), consisting of 159,575 shares of $7 Preferred Stock, 170,456 shares of $6 Preferred Stock and 25,845 shares of $5 Preferred Stock all without par value, on the basis of one share of new Preferred Stock and $10 in cash for each share of $7 Preferred Stock and one share of new Preferred Stock for each share of $5 or $6 Preferred Stock exchanged, plus cash dividend adjustments which, together with the dividends receivable on the new Preferred Stock, will give each stockholder who exchanges a dividend at the rate prescribed in the shares of old Preferred Stock exchanged up to the redemption date of the shares of old Preferred Stock which are not exchanged. Any shares not exchanged will be redeemed at the redemption prices of $115 for the $7 Preferred Stock and $105 for the $5 and $6 Preferred Stock. Alabama reserves the right to reject all offers of exchange if less than 300,000 shares (84.3%) of old Preferred Stock are deposited for exchange and will not consummate the exchange if less than 280,000 shares (78.69%) of old Preferred Stock are deposited for exchange.

If more than 300,000 shares of old Preferred Stock are deposited for exchange, the company will allot shares of new Preferred Stock up to 25 shares deposited by a single stockholder in full, and for any excess over 25 shares of old Preferred Stock deposited by such stockholder pro rata, up to a total of 300,000 shares of new Preferred Stock to be issued and outstanding.

(b) Issue and sell at private sale to banks $7,600,000 principal amount of installment promissory notes bearing interest at a rate not to exceed 2% per annum payable in 20 equal semiannual installments of which the first installment shall be payable six months after the date of said notes, and use the proceeds to reimburse its treasury for the prepayment on December 31, 1945 of $2,250,000 principal amount of 2⅞% installment notes and to provide a portion of the funds required in connection with the proposed exchange and redemption of its Preferred Stock.

The company proposes to call a special meeting of stockholders for the purpose of authorizing the new Preferred Stock and to solicit proxies from the holders of the old Preferred Stock.

The application states that it is proposed to amortize over a period of five years or less, by monthly charges to income, the amount of the premiums paid and expenses incurred in connection with the proposed exchange and redemption of Preferred Stock, estimated at $2,110,130 on the basis that 300,000 old Preferred shares will be exchanged and 55,876 of such shares will be redeemed.

The application further states that Alabama agrees that the Commission's order herein may contain a condition to the effect that, so long as any of the shares of new Preferred Stock are outstanding, the payment of dividends on its common stock (other than dividends payable in common stock) or the making of any distribution of assets to holders of common stock by purchase of shares or otherwise, shall be subject to certain limitations, which may be summarized as follows:

(a) After December 31, 1946, whenever the capitalization ratio, as defined, at the end of a base period of twelve consecutive calendar months within the fifteen month period immediately preceding the month in which a dividend on common stock is proposed to be paid, is less than 20%, dividends on common stock for the twelve month period including the calendar month in which a dividend is proposed to be paid shall not aggregate more than 50% of net income, as defined, available for payment of dividends on common stock during the base period as above defined;

(b) During and after the year 1946, if such capitalization ratio is 20% or more but less than 25%, then such common stock dividends shall not exceed 75% of such net income;

(c) Except to the extent permitted by the foregoing limitations, common stock dividends shall not be paid which would reduce the capitalization ratio below 25%.

The application-declaration states that approval of the Alabama Public Service Commission has been obtained with respect to the issuance and sale of the installment notes and the issuance and exchange of the new Preferred Stock.

The applicant-declarant has designated sections 6 (b), 12 (c) and 12 (e) of the act and Rules U-42, U-62 and U-50 thereunder as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the application and declaration and that the application and declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on the application and declaration under the applicable provisions of the act and the rules of the Commission thereunder be

held on February 19, 1946 at 11:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of the Commission on or before February 18, 1946 his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Allen MacCullen, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of issues presented by the application-declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed issue and sale of the installment notes to banks and the proposed issue and exchange of new Preferred Stock are exempt from the requirements of section 7 of the act pursuant to section 6 (b) thereof, and if not, whether the proposed securities will comply with the standards of section 7 of the act;

(2) Whether the terms and conditions of the issue, sale and/or exchange of the securities are detrimental to the public interest or the interests of investors or consumers;

(3) Whether the fees, commissions, or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

(4) Whether the accounting treatment of the proposed transactions is appropriate and in conformity with the requirements of the act;

(5) What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers;

(6) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order on the applicant-declarant herein, on the Public Service Commission of the State of Alabama and on the Federal Power Commission by registered mail, and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-2291; Filed. Feb. 11, 1946; 9:42 a. m.]

[File No. 812-379]

INVESTORS SYNDICATE

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of February, A. D. 1946.

An application has been filed by Investors Syndicate, a registered investment company, pursuant to the provisions of sections 6 (c) and 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (3) of said act certain transactions between Investors Syndicate and persons engaged by it in the offering and sales of securities for which Investors Syndicate is the underwriter.

The transactions as to which Investors Syndicate seeks exemption are the advancing of commissions and the lending of money to its sales representatives subject to certain conditions and limitations set forth in the application.

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on Tuesday, February 19, at ten o'clock a. m. eastern standard time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for the purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-2289; Filed, Feb. 11, 1946; 9:42 a. m.]

[File No. 812-389]

INVESTORS SYNDICATE ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of February A. D. 1946.

In the matter of Investors Syndicate, Investors Syndicate of Canada Limited, Investors Funding Corporation Limited.

An application has been filed by Investors Syndicate, a registered investment company, Investors Syndicate of Canada Limited and Investors Funding Corporation, wholly-owned subsidiaries of Investors Syndicate, for an order exempting from the provisions of section 17 (a) of the Investment Company Act of 1940 certain transactions between the applicants.

The transactions as to which applicants seek exemption are the sale by Investors Funding Corporation Limited to Investors Syndicate and to Investors Syndicate of Canada Limited and the sale by Investors Syndicate to Investors Syndicate of Canada Limited of certain mortgages, Limited loans and other first liens on real estate at prices representing 102% of the principal amount or cost of the mortgage, Limited loan or other first lien, whichever is the lesser amount, and the servicing by the vendors of said mortgages, Limited loans or other first liens at a service fee of 1/24 of 1% per month of the unpaid balance of such mortgage, Limited loan or other first lien.

It is ordered, Pursuant to section 40 (a) of said act that a hearing on the aforesaid application be held on Tuesday, February 19, 1946 at 11:00 o'clock a. m. eastern standard time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania; and

It is further ordered, That Henry C. Lank, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicants and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-2290; Filed, Feb. 11, 1946; 9:42 a. m.]